

## **DEPARTMENT OF TRANSPORTATION**

### **Maritime Administration**

#### **Notice of Funding Opportunity for the Maritime Administration's Port Infrastructure Development Program (PIDP) under the Infrastructure Investment and Jobs Act ("Bipartisan Infrastructure Law") and Consolidated Appropriations Act, 2023**

**AGENCY:** Maritime Administration, DOT

**ACTION:** Notice of Funding Opportunity

**SUMMARY:** This notice solicits applications for fiscal year (FY) 2023 Port Infrastructure Development Program (PIDP) grants. Funds for FY 2023 PIDP grants will be awarded on a competitive basis to assist in funding eligible projects for the purpose of improving the safety, efficiency, or reliability of the movement of goods through ports and intermodal connections to ports. This notice announces the availability of up to \$662,203,512 in funding for grants under this program and establishes selection criteria and application requirements. All PIDP grant recipients must meet all applicable Federal requirements, including domestic content ("Buy America") requirements.

**DATES:** Applications must be submitted by 11:59:59 p.m. E.D.T. on April 28, 2023.

**ADDRESSES:** Applications must be submitted through Grants.gov.

**FOR FURTHER INFORMATION CONTACT:** For further information concerning this notice, please contact the PIDP staff via email at *PIDPgrants@dot.gov*, or call Wade Morefield at 202-366-6025. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, the Department of Transportation ("Department" or "DOT") may post answers to questions and requests for clarifications as well as information about webinars for further information at <https://www.maritime.dot.gov/PIDPgrants>.

**SUPPLEMENTARY INFORMATION:** Each section of this notice contains information and instructions relevant to the application process for the FY 2023 PIDP discretionary grants, and all applicants should read this notice in its entirety.

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## **A. Program Description**

### **1. Program Overview**

The PIDP statute, codified at 46 U.S.C. 54301, establishes the port and intermodal improvement program to improve the safety, efficiency, or reliability of the movement of goods through ports and intermodal connections to ports. The Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021) (“Bipartisan Infrastructure Law” or “BIL”) appropriated \$450 million to the PIDP for FY 2023 to make discretionary grants for eligible PIDP projects. The Consolidated Appropriations Act, 2023 (Pub. L. 117-328, December 29, 2022) (“FY 2023 Appropriations Act”) appropriated an additional \$212,203,512 for the FY 2023 PIDP, for a total of \$662,203,512 appropriated to PIDP in FY 2023. MARAD intends to retain up to two percent of this funding (\$13,244,070.24) for grant administration and oversight as permitted under 46 U.S.C. 54301(a)(11)(A).

This Notice of Funding Opportunity (NOFO) solicits applications for projects to be funded under the FY 2023 PIDP. It includes the funding appropriated by the BIL and funding appropriated for PIDP under the FY 2023 Appropriations Act. Applicants should note that the two funding streams (BIL funding and FY 2023 Appropriations Act funding) have slightly different funding restrictions and requirements that may affect the competitiveness of an application. These differences are summarized below and further described in Sections B and C of this notice.

In the previous four years that the program has made PIDP awards, the Department has awarded \$1.4 billion to projects that improve facilities within, or outside of and directly related to operations of or an intermodal connection to, coastal seaports, inland river ports, and Great Lakes ports consistent with DOT's strategic goals.<sup>1</sup> FY 2023 PIDP grants will continue to align with these strategic goals. The FY 2023 PIDP round will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335), which are to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards, strengthen infrastructure resilience to all hazards including climate change, and coordinate effectively with State, local, Tribal, and territorial government partners.

The Department seeks to fund projects under the PIDP that reduce greenhouse gas emissions in the transportation sector, enable the deployment of clean energy including offshore wind, incorporate evidence-based climate resilience measures and features, reduce the lifecycle greenhouse gas emissions from the project materials, and avoid adverse environmental impacts

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<sup>1</sup> See U.S. Department of Transportation Strategic Plan FY 2022–2026 (April 2022) at <https://www.transportation.gov/dot-strategic-plan>.

to air or water quality, wetlands, and endangered species, and address the disproportionate negative environmental impacts of transportation on disadvantaged communities, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619).

The Department seeks to award projects under the PIDP that proactively evaluate whether a project will create proportional impacts to all populations in a project area and increase equitable access to project benefits, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). The Department also seeks to award projects that address equity and environmental justice, particularly for communities that have experienced decades of underinvestment and are most impacted by climate change, pollution, and environmental hazards, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619).

The Department intends to use the PIDP to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs, especially registered apprenticeships, in project planning stages, consistent with Executive Order 14025, *Worker Organizing and Empowerment* (86 FR 22829) and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335). The Department also intends to use the PIDP to support wealth creation, consistent with the Department's Equity Action Plan,<sup>2</sup> through the inclusion of local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

## **2. Changes from the FY 2022 NOFO**

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<sup>2</sup> [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)

The FY 2023 NOFO includes updated selection considerations pertaining to: Climate Change and Sustainability; Equity and Justice<sup>40</sup>; and Workforce Development, Job Quality, and Wealth Creation; as described in more detail in Section D of this NOFO. The FY 2023 PIDP NOFO includes updated definitions described in Section A.3., below. Application review criteria in Section E of the FY 2023 PIDP NOFO have been updated to reflect revised selection considerations. Other changes have been made throughout the FY 2023 PIDP NOFO to better illustrate application requirements.

Applicants who are planning to re-apply using materials prepared for prior competitions should ensure that their FY 2023 PIDP application fully addresses the statutory merit criteria and selection considerations described in this notice and that all relevant information is up to date.

### **3. Definitions**

*Climate Change:* Changes in average weather conditions that persist over multiple decades or longer due to natural or anthropogenic activities, especially from greenhouse gas emissions. Climate change encompasses both increases and decreases in temperature, as well as shifts in precipitation, changing risk of certain types of severe weather events, and changes to other features of the climate system.

*Coastal seaport:* A port on navigable waters of the United States or territories that is subject to the U.S. Army Corps of Engineers regulatory jurisdiction for oceanic and coastal waters under 33 CFR 329.12 or that is otherwise capable of receiving oceangoing vessels with a draft of at least 20 feet (other than a Great Lakes port).

*Development phase activities:* Includes planning, feasibility analysis, revenue forecasting, environmental review, permitting, and preliminary engineering and design work.

Environmental justice: The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.<sup>3</sup>

Equity: The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment. More information can be found in Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009).

Great Lakes port: A port on the Great Lakes and their connecting and tributary waters as defined under 33 CFR 83.03(o).

Historically Disadvantaged Communities: DOT has developed a definition of Historically Disadvantaged Communities as part of its implementation of the Justice40 Initiative and will use that definition for the purpose of this NOFO. Consistent with OMB's Interim Guidance for the Justice40 Initiative,<sup>4</sup> Historically Disadvantaged Communities include (a) certain qualifying census tracts, (b) any Tribal land, or (c) any territory or possession of the United States. DOT is providing a mapping tool to assist applicants in identifying whether a project is located in a Historically Disadvantaged Community.<sup>5</sup>

Inland river port: A harbor, marine terminal, or other shore side facility used principally for the movement of goods on inland waters.

Large project: A project at a port other than a small port, regardless of the amount of PIDP funding sought in the application; or, a project at a small port for which the amount of PIDP funding sought in the application is greater than \$11.25 million.

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<sup>3</sup> As defined by the U.S. Environmental Protection Agency (EPA) at <https://www.epa.gov/environmentaljustice/ej-2020-glossary>.

<sup>4</sup> <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>.

<sup>5</sup> A mapping tool is available through the PIDP website: [www.maritime.dot.gov/PIDPgrants](http://www.maritime.dot.gov/PIDPgrants) or directly at <https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a>.

Overburdened community: Minority, low-income, tribal, or indigenous populations or geographic locations in the United States that potentially experience disproportionate environmental harms and risks. This disproportionality can be a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors. Increased vulnerability may be attributable to an accumulation of negative or lack of positive environmental, health, economic, or social conditions within these populations or places. The term describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities.<sup>6</sup>

Port resilience: The ability to anticipate, prepare for, adapt to, withstand, respond to, and recover from operational disruptions and sustain critical operations at ports, including disruptions caused by natural or climate-related hazards (such as extreme temperatures, sea level rise, flooding, earthquakes, hurricanes, tsunami inundation, wildfire, or other extreme weather events) or human-made disruptions such as terrorism, cyberattacks, disruptions to Position, Navigation, and Timing (PNT) data via the Global Positioning System (GPS) whether intentional or unintentional, public health emergencies, or shortages/bottlenecks at key elements of the supply chain.

Rural area: An area located outside a 2010 Census-designated urbanized area.<sup>7</sup>

Small port: A coastal seaport, Great Lakes, or inland river port to and from which the average annual tonnage of cargo for the immediately preceding three calendar years from the time an

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<sup>6</sup> As defined by the EPA at <https://www.epa.gov/environmentaljustice/ej-2020-glossary>.

<sup>7</sup> For the purpose of this NOFO, the definition of urban and rural areas is based on the 2010 Census. The PIDP statute defines “rural area” as “an area that is outside an urbanized area.” A project located in both an urbanized and a rural area will be designated as *urban* if the majority of the project’s costs will be spent in the urbanized area. Conversely, a project located in both an urbanized area and a rural area will be designated as *rural* if the majority of the project’s costs will be spent in rural areas. For PIDP planning grants, the location of the project being planned, prepared, or designed will be used for the urban or rural designation.

application is submitted is less than 8,000,000 short tons, as determined using U.S. Army Corps of Engineers data or data provided by an independent audit the findings of which are acceptable to the Secretary. For joint applications, MARAD will use the status of the lead (eligible) applicant when determining whether the project is for a small port. In determining whether the applicant qualifies as a small port, MARAD will use the tonnage results of the U.S. Army Corps of Engineers statistical area in which the project is located. Generally, the findings of an independent audit provided by an applicant will only be acceptable if MARAD cannot otherwise validate the applicant's status using the U.S. Army Corps of Engineers data.

*Small project at a small port:* A project at a small port seeking less than or equal to \$11.25 million in funding under 46 U.S.C. 54301(b).

*Underserved communities:* 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 definition of "equity" above. More information can be found in Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009).

*Urban area:* An area located within (or on the boundary of) a 2010 Census-designated urbanized area.<sup>8</sup>

#### **4. Additional Information**

The PIDP is described in the Federal Assistance Listings under the assistance listing program title "Port Infrastructure Development Program" and assistance listing number 20.823.

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<sup>8</sup> Lists of 2010 urbanized areas as defined by the Census Bureau are available on the Census Bureau website at <https://www.census.gov/geographies/reference-maps/2010/geo/2010-census-urban-areas.html>. MARAD will use the Census 2010 data available through the following website to determine whether a project is in an urban or rural area: <https://tigerweb.geo.census.gov/tigerweb2020/>. Select "Census 2010" from the drop down options under "Select Vintage" in the upper left-hand corner of the page. Note that rural and urban definitions differ in some other DOT programs.



## **B. Federal Award Information**

### **1. Amount Available**

MARAD intends to award up to \$662,203,512 on a competitive basis for projects that improve facilities within, or outside of and directly related to operations of or an intermodal connection to, coastal seaports, inland river ports, and Great Lakes ports. This amount includes up to \$450 million, as provided for in the BIL, and up to \$212,203,512, as provided for in the FY 2023 Appropriations Act. Applicants should note that the two funding streams (BIL and FY 2023 Appropriations Act funding) have slightly different restrictions and requirements that may affect competitiveness of certain funding requests. Additionally, pursuant to 46 U.S.C. 54301(a)(7)(B), MARAD will reserve 25 percent of the appropriated funds (\$165,550,878) for projects meeting certain requirements described in this notice for “small projects at small ports.” MARAD will retain up to two percent (\$13,244,070.24) of the funds appropriated for necessary costs of grant administration as permitted under 46 U.S.C. 54301(a)(11)(A). If MARAD does not receive sufficient qualified applications, it will award less than the amount available.

In addition to the FY 2023 PIDP funds, unobligated prior year PIDP funds may be made available and awarded under this solicitation to eligible projects. If this solicitation does not result in the award and obligation of all available funds, MARAD may publish additional solicitations.

### **2. Award Size**

For funding awarded under the BIL, there is no minimum award size. For all projects funded under the FY 2023 Appropriations Act, the minimum PIDP award size is \$1 million. Therefore, funding requests below the FY 2023 Appropriations Act minimum will only be considered for funding from the BIL; they will not be eligible to compete for the full amount of funding

available. Except as limited by the amount of available funding and statutory restrictions on funding identified in Section B.3., there is no maximum award size.

### **3. Restrictions on Funding**

The BIL, FY 2023 Appropriations Act, and 46 U.S.C. 54301 impose several restrictions on awards under this notice:

- Not more than 25 percent of the available funds (\$165,550,878) can be awarded for projects in any one State.
- For funding awarded under the FY 2023 Appropriations Act, at least \$187,203,512 is reserved for grants to coastal seaports or Great Lakes ports as defined in Section A.3.
- Twenty-five percent of the available funds (\$165,550,878) is reserved for small projects at small ports awarded under 46 U.S.C. 54301(b), which are defined in Section A.3. of this notice. Of the reserved amount, not more than 10 percent (\$16,555,087.80) may be used to make grants for development phase activities under 46 U.S.C. 54301(b)(3)(A)(ii)(III).
  - Not more than 10 percent (\$49,665,263.40) of the funds not reserved for small projects at small ports may be awarded for development phase activities for large projects (as defined in Section A.3. of this notice) that do not result in construction.
  - Additionally, to maximize flexibility for applicants and optimize the number of grants that can be awarded, MARAD will limit any single award to a small project at a small port to not more than \$11.25 million under both the BIL and the FY 2023 Appropriations Act funding.

### **4. Availability of Funds**

MARAD seeks to obligate FY 2023 PIDP funds by September 30, 2026. Obligation occurs when a selected applicant and MARAD enter into a written grant agreement after the applicant

has satisfied applicable administrative requirements, including transportation planning and environmental review requirements, such as those under the National Environmental Policy Act (NEPA). Unless “pre-award costs” are authorized by MARAD in writing after MARAD’s announcement of FY 2023 PIDP award selections pursuant to 46 U.S.C. 54301(a)(10)(B) or 2 CFR 200.458, any costs incurred prior to MARAD’s obligation of funds for a project are ineligible for reimbursement and are ineligible to count as match for cost share requirements.<sup>9</sup> Per 46 U.S.C. 54301(a)(11)(B)(ii), MARAD also expects grant recipients to expend funds within five years of obligation. As part of the review and selection process described in Section E.2., MARAD will consider a project’s likelihood to be ready for obligation of funds by September 30, 2026, and liquidation of these obligations within five years after the date of obligation.

## **5. Previous PIDP Awards**

Recipients of prior PIDP grants may apply for funding to support additional phases of a project previously awarded funds under the PIDP. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has met estimated project scope, schedule, and budget milestones, as well as how the new phase will enhance the ability to achieve the benefits expected for all phases of the project.

### **C. Eligibility Information**

To be selected for a FY 2023 PIDP discretionary grant, an applicant must be an eligible applicant and the project must be an eligible project.

#### **1. Eligible Applicants**

An eligible applicant for a FY 2023 PIDP grant is a port authority, a commission or its subdivision or agent under existing authority, a State or political subdivision of a State or local

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<sup>9</sup> Pre-award costs are only costs incurred directly pursuant to the negotiation and anticipation of the PIDP award where such costs are necessary for efficient and timely performance of the scope of work, as determined and pre-approved in writing by MARAD.

government,<sup>10</sup> an Indian Tribe,<sup>11</sup> a public agency or publicly chartered authority established by one or more States, a special purpose district with a transportation function, a multistate or multijurisdictional group of entities, or a lead entity described above jointly with a private entity or group of private entities (including the owners or operators of a facility, or collection of facilities, at a port). Federal agencies are not eligible applicants for the FY 2023 PIDP.

If submitting a joint application, applicants must identify in the application the eligible lead applicant as the primary point of contact. The lead applicant, who will be responsible for financial administration of the project, must be an eligible lead entity described above (i.e., not a private entity). Joint applications must include a memorandum of understanding as an attachment signed by all the entities that includes a description of the roles and responsibilities of each entity. See Section D.2.b. for more information.

In order to be eligible for award, eligible applicants must demonstrate that they have the authority to carry out the project and must submit information related to an assertion with citation of authority with their application. In the case of joint applications, at least one of the eligible applicants must demonstrate this authority. See Section D.2.i. for more information.

## **2. Cost Sharing or Matching**

This section of the notice describes cost share requirements for a FY 2023 PIDP grant award. Per 46 U.S.C. 54301(a)(8), the Federal share of the total costs of an eligible PIDP project may not exceed 80 percent; however, the Secretary may increase the Federal share of costs above 80 percent for: (1) a grant for a project that is located in a rural area; or (2) a grant awarded to a

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<sup>10</sup> State means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

<sup>11</sup> An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), without regard to capitalization), or a consortium of Indian Tribes.

small project at a small port under 46 U.S.C. 54301(b). “Rural area” and a “small project at a small port” are defined in Section A.3. of this notice.

Applicants should use the following equation when determining the cost share for their project:

$$\frac{(PIDP\ Grant\ Request\ +\ Other\ Federal\ Funds)}{Total\ Project\ Cost} = Federal\ Cost\ Share$$

For the PIDP, Total Project Cost means the sum of future eligible Federal and non-Federal costs that have not yet been incurred. This cannot include any previously incurred costs, except for small projects at small ports, which may include certain costs incurred after grant application submittal but before announcement of project selection.

Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, or private funds. The application must demonstrate, such as through a commitment letter or other documentation included in the PIDP application, the sources of the non-Federal funds. Unless otherwise authorized by statute, funds used to satisfy the non-Federal cost-share requirements of a different Federal program may not be counted as the non-Federal cost share for both the FY 2023 PIDP grant award and another Federal grant program.

MARAD will not consider previously incurred costs or previously expended or encumbered funds towards the non-Federal cost-share requirement, except for awards made under 46 U.S.C. 54301(b) (small projects at small ports). For awards made under 46 U.S.C. 54301(b), MARAD may consider certain eligible pre-construction costs towards the non-Federal cost-share requirement if incurred after the date of application submittal but before announcement of project selection, and if the costs are clearly indicated in the budget included in the application

and comply with all applicable Federal requirements. All non-Federal cost-share funds are subject to the same Federal requirements described in Section F.2. as awarded funds.

For the purpose of eligibility, the proceeds of Federal assistance under chapter 6 of Title 23, United States Code or sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, shall be considered to be part of the non-Federal share of project costs if the loan is repayable from non-Federal funds, unless otherwise requested by the project sponsor.

See Section D.2.d. for information about documenting cost sharing in the application.

In addition to these cost share requirements, cost share will be evaluated according to the “Leveraging Federal Funding” criterion described in Section E.1.a.(3).

For each project that receives a PIDP grant award, the terms of the award will require the recipient to complete the project using at least the level of non-Federal funding that was specified in the application. If the actual costs of the project are greater than the costs estimated in the application, the recipient will be responsible for increasing the non-Federal contribution. If the actual costs of the project are less than the costs estimated in the application, MARAD will generally reduce the Federal contribution.

### **3. Other**

#### ***a. Eligible Projects***

Eligible projects for FY 2023 PIDP grants shall be located either within the boundary of a port, or outside the boundary of a port and directly related to port operations or to an intermodal connection to a port. Grants may be made for capital projects that will be used to improve the safety, efficiency, or reliability of:

- (I) the loading and unloading of goods at the port, such as for marine terminal equipment;

(II) the movement of goods into, out of, around, or within a port, such as for highway or rail infrastructure, intermodal facilities, freight intelligent transportation systems, and digital infrastructure systems;

(III) operational improvements, including projects to improve port resilience; or

(IV) environmental and emissions mitigation measures, including projects for—

(a) port electrification or electrification master planning;

(b) harbor craft or equipment replacements or retrofits;

(c) development of port or terminal microgrids;

(d) provision of idling reduction infrastructure;

(e) purchase of cargo handling equipment and related infrastructure;

(f) worker training to support electrification technology;

(g) installation of port bunkering facilities from ocean-going vessels for fuels;

(h) electric vehicle charging or hydrogen refueling infrastructure for drayage and medium or heavy-duty trucks and locomotives that service the port and related grid upgrades; or

(i) other related port activities, including charging infrastructure, electric rubber-tired gantry cranes, and anti-idling technologies.

As described in section 3522(b) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Pub. L. 117-263, December 23, 2022), eligible projects also include projects to provide shore power at a port that services:

- 1) passenger vessels described in section 3507(k) of title 46, United States Code; and
- 2) vessels that move goods or freight.

This program will not fund construction, reconstruction, reconditioning, or purchase of a vessel, unless the Secretary determines such vessel is necessary for a project under Section

C.3.a.(IV), above, and is not already receiving assistance under 46 U.S.C. chapter 537. In addition, this program will not fund any project within a small shipyard (as defined in 46 U.S.C. 54101).

Improvements to Federally owned facilities are ineligible under the FY 2023 PIDP.

This program will not fund the purchase or installation of fully automated cargo handling equipment, or the installation of terminal infrastructure that is designed for fully automated cargo handling equipment, if the Secretary determines that such equipment would result in a net loss of good jobs or reduction in the quality of jobs within the port or port terminal. In general, fully automated cargo handling systems transfer materials without the need, or a significantly reduced need, for human assistance. Such systems may be remotely operated or monitored, with or without the exercise of human intervention or control. Applicants that propose projects that include the acquisition of eligible cargo handling equipment or terminal infrastructure for cargo handling equipment must indicate in their application whether or not the equipment is fully automated (or whether the terminal infrastructure is designed for fully automated equipment). If fully automated equipment is proposed to be acquired or terminal infrastructure for such equipment is proposed to be created, the applicant must provide information describing the job changes that will result from the project, including supporting evidence demonstrating that the project will not directly result in a net loss of good jobs or degradation of job quality.

Activities eligible for funding under PIDP planning grants include those related to development phase activities—such as planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, development of master plans, electrification master planning, and planning to address a port's ability to withstand probable occurrence or recurrence of an emergency or major disaster—of eligible PIDP capital



projects described above in this Section C.3.a. and may not result in construction with FY 2023 PIDP funding.

Under the FY 2023 PIDP, if an application includes right-of-way acquisition, the project will be considered a capital project. Projects that include right-of-way acquisition should include a timeline for construction.

#### **b. Project Components**

An application may describe a project that contains more than one component and may describe components that may be carried out by parties other than the applicant. MARAD expects and will impose requirements on fund recipients to ensure that all components included in an application will be delivered as part of the PIDP project, regardless of whether a component includes Federal funding. The status of each component should be clearly described (for example, in the project schedule). MARAD may award funds for a component, instead of the larger project, if that component: (1) independently meets all eligibility requirements described in Section C; (2) independently aligns well with the selection criteria identified in this NOFO; and (3) meets NEPA requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable even if no other improvement is made in the area and will be ready for intended use upon completion of that component's construction. All project components that are presented together in a single application must demonstrate a relationship or connection among them.

Applicants should be aware that, depending upon the relationship between project components and applicable Federal law, DOT funding of some project components may make other project components subject to Federal requirements as described in Section F.2.

MARAD strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested PIDP funding

for those components. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses the selection criteria and produces benefits on its own, in addition to describing how the full proposal of which the independent component is a part addresses the selection criteria described in Section E.

**c. Application Limit**

Each eligible applicant may submit no more than one application. If an applicant submits multiple applications, only the last one received by MARAD will be considered.

**D. Application and Submission Information**

**1. Address to Request Application Package**

Application materials may be accessed on Grants.gov. Applications must also be submitted to Grants.gov. Instructions for submitting applications can be found at <https://www.maritime.dot.gov/office-port-infrastructure-development/port-and-terminal-infrastructure-development/how-apply-port> along with specific instructions for the forms and attachments required for submission.

**2. Content and Format of Application Submission**

The application must include the Standard Form (SF) 424 (Application for Federal Assistance) and the Project Narrative. More detailed information about the Project Narrative follows. Applicants are encouraged to also complete the SF-424C (Budget Information – Construction Programs). These forms may be found on Grants.gov and are also available at [www.maritime.dot.gov/PIDPgrants](http://www.maritime.dot.gov/PIDPgrants).

MARAD expects the Project Narrative be prepared with standard formatting preferences (a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins, and the narrative text in one column only). Documents should be submitted in PDF,

unless otherwise specified (e.g., Benefit-Cost Analysis (BCA) calculations should be submitted in an unlocked Excel spreadsheet). The Project Narrative may not exceed 30 pages in length, excluding cover pages and table of contents. The only substantive portions that may exceed the 30-page limit are documents supporting assertions or conclusions made in the 30-page Project Narrative and documentation related to the required determinations. Except for the BCA, evaluators are not required to review supporting documents as part of the selection criteria review described in Section E. Supporting documentation should be dated, and MARAD recommends using appropriately descriptive file names (e.g., “Project Narrative,” “Maps,” “Memoranda of Understanding and Letters of Support”) for all attachments. 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.<sup>12</sup>

MARAD recommends that the Project Narrative follow the basic outline below to ensure applications address all applicable requirements and assist evaluators in locating relevant information.

Introductory Information .....	See D.2.a.
Section I: Project Description .....	See D.2.b.
Section II: Project Location .....	See D.2.c.
Section III: Grant Funds, Sources, and Uses of Project Funds .....	See D.2.d.
Section IV: Merit Criteria .....	See D.2.e.
Section V: Selection Considerations.....	See D.2.f.

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<sup>12</sup> Although they are not required to do so, applicants are strongly encouraged to include a list of their supporting documents on the last page of their Project Narrative and to attach the documents to their application package in the following order: Project Narrative; Attachments Form; BCA narrative; BCA spreadsheet (in an unprotected format); project schedule; funding commitment letter(s); MOUs; project engineering drawings; project planning documents; SF-424 C, Budget Information for Construction Programs; project cost estimate information; letters of support; other documentation.

Section VI: Project Readiness ..... See D.2.g.

Section VII: Domestic Preference ..... See D.2.h.

Section VIII: Determinations..... See D.2.i.

The Project Narrative should include the information necessary for MARAD to determine that the project satisfies project requirements described in Sections B and C and to assess the criteria specified in Section E.1. In addition to a detailed statement of work, detailed project schedule, and detailed project budget, the Project Narrative should include a table of contents, maps, photographs, and graphics, as appropriate, to make the information easier to review and the project location and scope easier to understand. Applicants should provide supporting data and documentation in a form that is directly verifiable by MARAD. MARAD expects applications to be complete upon submission and will evaluate the application based on the information submitted. MARAD may ask any applicant to supplement data in its application but is not required to do so. Lack of supporting information provided with the application negatively affects competitiveness of the application, as described in Section E.2.

MARAD recommends applications include the following content:

**a. Introductory Information**

Each application should include a cover page with information about the project included in the following chart:

<b>Field Name</b>	<b>Guidance</b>
Name of lead applicant	
Is the applicant applying as a lead applicant with any joint applicants?	If yes, identify by name each of the joint applicants.
Project name	Provide a concise (five- to seven-word) name of the project. For example: “Wharf and Uplands Improvement Project”
Project description	Provide a brief (no more than 100 words) description of the project that focuses on what the project consists of. For example: “This project will fund construction of a new wharf

Field Name	Guidance
	at the X Terminal, renovate the uplands adjacent to the wharf, construct a 100,000 SF-refrigerated warehouse, and install approximately 20,000 LF of track to connect the new facilities to the port’s rail switch yard.”
Is this a planning project?	Yes or No.
Is this a project at a coastal, Great Lakes, or inland river port?	Specify coastal, Great Lakes, or inland river port.
Is this project located in a noncontiguous State or U.S. territory?	Yes or No. If yes, name the State or U.S. territory.
GIS Coordinates (in Latitude and Longitude format)	Provide the GIS coordinates of the approximate geographic center of the project.  The latitude and longitude of the project are to be reported as decimal degrees with a minimum of 5 decimal places.
Is this project in an urban or rural area?	Use the guidance in Section A.3. of the NOFO to answer this question.
Project Zip Code	Identify the zip code that corresponds to the GIS coordinates identified above.
Is the project located in a Historically Disadvantaged Community (HDC) or a Community Development Zone (CDZ)? (A CDZ is a Choice Neighborhood, Empowerment Zone, Opportunity Zone, or Promise Zone.)	Answer yes only if the project is wholly or partially in a zone. Identify the type of zone in which the project is located. If the project is located in multiple zones, the project will be designated as an HDC or CDZ if the majority of the Project’s costs will be spent in the area that qualifies as an HDC or CDZ.
Has the same project been previously submitted for PIDP funding?	If so, identify the program and year of the prior submission (such as “PIDP FY 2022”).
Is the applicant applying for other discretionary grant programs in 2023 for the same work or related scopes of work?	If so, identify the program, amount of funding requested and scope (such as RAISE FY 2023, \$25 million, components 1 and 2 of this PIDP project).
Has the applicant previously received TIGER, BUILD, RAISE, FASTLANE, INFRA or PIDP funding?	If so, identify the program and year of the prior submission (such as “INFRA FY 2022”).
PIDP Grant Amount Requested	Enter the total amount of PIDP grant funds requested.
Total Project Cost	Total Project Cost will be equal to the Total Future Eligible Project Cost, including the PIDP grant amount requested. (Only for small projects at small ports can this cost include previously incurred expenses).
Total Federal Funding	Enter the amount of Federal funding from ALL sources that will be used for this project

Field Name	Guidance
	(include the amount of PIDP grant funding requested).
Total Non-Federal Funding	Enter the amount of funds committed to the project from non-Federal sources.
Will RRIF or TIFIA funds be used as part of the project financing?	Indicate whether RRIF or TIFIA funding will be used for the project. If so, indicate the amount of funds that will be used.

### **b. Section I: Project Description**

This section of the Project Narrative should include a detailed statement of work and describe the proposed PIDP project that is to be planned or constructed, focusing on the technical and engineering aspects of the project as well as the current design status of the project. This section should also describe the transportation challenges that the project is intended to address and how the project will address those challenges. This section may discuss the project's history, including a description of any previously completed components, as well as be used to place the project into a broader context of other transportation infrastructure investments being pursued by the project sponsor; however, the applicant should make clear which investments are outside the scope of the proposed PIDP project.

If submitting a joint application, applicants should also identify in this section the lead recipient of the award, who will also be responsible for financial administration of the project. Joint applications must include a description of the roles and responsibilities of each applicant and include a memorandum of understanding signed by all of the eligible applicants as an attachment.

### **c. Section II: Project Location**

This section of the application should describe the project location, including a map and photographs of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location.

Applicants should submit with their application a file with project location identification. The file is needed to verify urban/rural, HDC, and CDZ designations. It can be submitted in one of the following file types: Shapefile, Geodatabase (GDB), GEOJSON, KML/KMZ or CSV. Please note that the project area listed in the file should only include the direct physical location of the infrastructure project. It should not include a broad service area or area of project impact.<sup>13</sup>

This section should also clearly identify whether the project is: located in a rural or urban area (as defined in Section A.3.); a project at a coastal, Great Lakes, or inland river port (as defined in Section A.3.); a small project at a small port (as defined in Section A.3.) seeking funding under 46 U.S.C. 54301(b); located in a HDC (as defined in Section A.3.), including the relevant census tract(s)<sup>14</sup>; and whether the project is located in one of four Federally-designated CDZ (Opportunity Zones,<sup>15</sup> Empowerment Zones,<sup>16</sup> Promise Zones,<sup>17</sup> or Choice Neighborhoods<sup>18</sup>), including the zone and related identifying data (such as the zone number). The description should also include demographic information describing any minority, low income, or limited English proficient communities in the vicinity of, and potentially impacted by, the proposed project.<sup>19</sup>

#### **d. Section III: Grant Funds, Sources, and Uses of Funds**

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<sup>13</sup> For additional instructions on creating an acceptable Project Location file, please see <https://www.maritime.dot.gov/PIDP%20Grants/FAQs>.

<sup>14</sup> A project located in both HDC areas and areas that are not HDC areas will be designated as HDC if the majority of the project's costs will be spent in the area that qualifies as HDC. For PIDP planning grants, the location of the project being planned, prepared, or designed will be used for the HDC designations.

<sup>15</sup> See <https://opportunityzones.hud.gov/>.

<sup>16</sup> See [https://hudgis-hud.opendata.arcgis.com/datasets/1101a6c1e2364302b70485ca99fc7e69\\_0/explore?location=34.281504%2C-88.129614%2C4.64](https://hudgis-hud.opendata.arcgis.com/datasets/1101a6c1e2364302b70485ca99fc7e69_0/explore?location=34.281504%2C-88.129614%2C4.64).

<sup>17</sup> See [https://www.hud.gov/program\\_offices/field\\_policy\\_mgt/fieldpolicymgtpz](https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz).

<sup>18</sup> See [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/ph/cn](https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn).

<sup>19</sup> Applicants are encouraged to utilize EPA's [EJScreen](#) or [DOT's Transportation Disadvantaged Census Tracts](#) tool to identify the demographics of the communities potentially impacted by the project.

This section should describe the budget for the PIDP project (i.e., the project scope that includes PIDP funding and matching funding), including information about the degree of design completion (e.g., 30 percent design) for which the cost was estimated. Except for a project seeking funding under 46 U.S.C. 54301(b), the budget should not include any previously incurred expenses that are incurred prior to MARAD's announcement of project selection. Applicants should carefully consider the differing funding restrictions for the BIL funding and the FY 2023 Appropriations Act funding, which could affect competitiveness and are further described in Sections B and C. If the budget presented in the application shows a grant request less than \$1 million, the application will be competing for only the BIL funding.

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, if any, that the applicant intends to use. Funding sources should be grouped into three categories: non-Federal, PIDP, and other Federal, with specific amounts from each funding source. The budget details should sufficiently demonstrate that the project satisfies the statutory non-Federal cost-sharing requirements described in Section C.2. in order for MARAD to make the determination at Section E.1.e. At a minimum, the project budget should include: total Project Costs for the FY 2023 PIDP project (see Section C.2. for definition of Total Project Cost); FY 2023 PIDP grant funding request; specific source, amount, type (grant, loan, etc.), and match requirements of other Federal funds to be used for eligible project costs; specific sources and amounts of non-Federal funds, if included, to be used for eligible project costs; and if the project is located in two or more census tracts or is located only partially within an urbanized area, the budget needs to separate the costs between the various census tracts or areas designated as urban and rural.



In addition to the information enumerated above, this section should provide complete information on how all project funds may be used. For example, if a particular 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 particular source of funds is available for expenditure only during a fixed time period, the application should describe that restriction. Complete information about project funds will ensure that MARAD’s expectations for award execution align with any funding restrictions unrelated to MARAD, even if an award differs from the applicant’s request. If a funding source is uncertain, the applicant should state that it is uncertain and describe the source of the uncertainty.

Applicants are encouraged to include the budget table below, filled out with project details:

	<b>[Component 1]</b>	<b>[Component 2]</b>	<b>Total</b>
PIDP Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Other Federal Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Non-Federal Funds:	[\$XXX]	[\$XXX]	[\$XXX]
<b>Total:</b>	<b>[\$XXX]</b>	<b>[\$XXX]</b>	<b>[\$XXX]</b>

If there is only a single component, remove “Component 2” column. If there are more than 2 components, add columns.

The budget should clearly identify any project expenses between the time of MARAD’s announcement of project selections and obligation that the applicant intends to request approval from MARAD to expend pursuant to 46 U.S.C. 54301(a)(10)(B) to count toward the non-Federal cost share if its application is selected for award.<sup>20</sup> These pre-obligation costs must still comply with all Federal requirements, including NEPA.

<sup>20</sup> Selection for a FY 2023 PIDP grant award does not constitute MARAD approval of pre-obligation costs. Instead, a recipient must apply to MARAD after announcement of project selection in order to incur and expend these costs pursuant to the process described in 46 U.S.C. 54301(a)(10)(B) and applicable MARAD requirements. MARAD approval of these costs is not guaranteed; therefore, an applicant should not rely on receiving this approval and should be prepared to only begin incurring costs once a grant agreement is executed and funds are obligated.

The discussion should also reference (and summarize) supporting documentation of funding commitments for non-Federal funds to be used for eligible project costs. This supporting documentation must be submitted as an appendix and clearly marked. In preparing this section, applicants should also refer to the “Leveraging Federal Funding” merit criterion in Section D.2.e.(3).

**e. Section IV: Merit Criteria**

This section of the application should demonstrate how the project aligns with the merit criteria described in Section E.1. of this notice. PIDP statutory merit criteria are: Achieving Safety, Efficiency, or Reliability Improvements; Supporting Economic Vitality; Leveraging Federal Funding; and Port Resilience.

To assist project evaluators, MARAD encourages applicants to describe the project merit criteria in the order in which they are described in the NOFO and address each criterion separately. Insufficient information to assess any criterion will negatively impact the project rating. To minimize redundant information in the application, MARAD encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application. The guidance in this section is about how the applicant should organize their application. Guidance describing how MARAD will evaluate projects against the selection criteria is in Section E.1. of this notice. Applicants should review that section before considering how to organize their application.

**(1) Section A: Achieving Safety, Efficiency, or Reliability Improvements**

This section of the application must clearly demonstrate how a proposed project would improve the safety, efficiency, or reliability of the movement of goods through a port. Applicants should detail specific elements of the project and their forecasted impact on port performance

indicators (such as improvements in vessel dwell times, truck turn times, capacity, throughput, reduced vehicle crashes, reduced workplace injuries, etc.).

When discussing how a project achieves safety, efficiency, or reliability improvements, the applicant should focus its discussion on how the project produces port-related benefits and, if appropriate, how the improvements will strengthen the port's contribution to supply chains.

For this merit criterion, safety improvements produce port-focused benefits, such as protecting workers from safety risks. Thus, an applicant should discuss in its narrative the safety risks the project is designed to address and how it will protect the workers from those risks. The narrative might also quantify how the project reduces serious injuries related to port operations or incorporates specific safety improvements that are part of a documented risk reduction strategy and that have port-wide impact.

Efficiency improvements result in documented increases in cargo throughput at a port. For example, a project could improve the speed or throughput of cargo movements at a port, resulting in an increase in actual throughput. The improvements must be tied to specific operational requirements rather than theoretical future demand for port capacity. The applicant should calculate and document projected cargo throughput capacity increases that will result from the project.

A project improves reliability if it results in enhancements that improve the dependability of cargo operations. The improvements may either reduce the incidence of infrastructure-related interruptions to cargo operations or improve operations by remedying a documented deficiency impacting port operations. Reliability is different than efficiency. Reliability focuses on improving the dependability of current operations while efficiency focuses on improving throughput capacity.

To document a project's impact on safety, efficiency, or reliability, applicants should describe how the proposed project will improve one or more of those elements. The application narrative should identify existing deficiencies or inefficiencies and discuss how the project will correct them. If applicable, the narrative should also explain how the project will strengthen the port's role within the larger local, regional, or national supply chain. The application should include metrics to support claims of expected improvements. For example, to support a claim of increased efficiency or reliability, the application should include metrics to demonstrate the impact of the project. Metrics such as the volume of goods moved per hour or the number of vessels served per day might be used to document increased reliability of cargo operations, particularly where the narrative documents a deficiency in goods movement or cargo operations. Similarly, when documenting improvements to port efficiency (such as increases in system capacity), an applicant might include metrics such as the area or capacity of a cargo laydown facility that will be improved by the proposed project.

If the project has multiple independent components, the narrative should include sufficient information to describe the impact of each component on the overall project.

Reviewers will use the information provided by the applicant in this section of the narrative to make the statutory determination at 46 U.S.C. 54301(a)(6)(A)(i), which is necessary for consideration of award.

## **(2) Section B: Supporting Economic Vitality at the Regional or National Level**

**(a) Large Projects.** For large planning and capital projects (see Section A.3. for definition of large projects), this criterion measures the benefits generated by the project against the costs of the project. Among otherwise comparable applications, MARAD will prioritize projects that maximize net benefits. This section does not apply to projects located in noncontiguous States or U.S. territories awarded funding under the FY 2023 Appropriations Act.

However, to be eligible to compete for the full amount of funding available under both BIL and the FY 2023 Appropriations Act, an applicant with a project in a noncontiguous State or U.S. territory must submit information as required under this section. This section describes the recommended approach for the completion and submission of a BCA narrative and calculation file. Applicants should also review DOT's detailed guidance on how to conduct a BCA, which is available on the DOT website at <https://www.transportation.gov/mission/office-secretary/office-policy/transportation-policy/benefit-cost-analysis-guidance>.

In this section, the applicant should summarize the conclusions of the BCA, including estimates of the project's Benefit-Cost Ratio (BCR) and net benefits.

The appendix should provide present value estimates of a project's benefits and costs relative to a no-build baseline. To calculate present values, applicants should apply a real discount rate (i.e., the discount rate net of the inflation rate) of 7 percent per year to the project's streams of benefits and costs. The purpose of the BCA is to enable DOT to evaluate the project's cost-effectiveness by estimating a BCR and calculating the magnitude of net benefits for the project. The primary economic benefits from projects eligible for PIDP grants are likely to relate to the value of travel time savings, vehicle and port operating cost savings, increased resilience, and safety considerations for both existing users of the improved facility and new users who may be attracted to it because of the project. Savings in infrastructure maintenance costs may also be quantified. Applicants may describe other categories of benefits in the BCA that are more difficult to quantify and value in economic terms, such as improving the reliability of travel times, while also providing numerical estimates of the magnitude and timing of each of these additional impacts wherever possible. Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the expected outcomes of the project.

The BCA should include the full costs of developing, constructing, operating, and maintaining the proposed project, as well as the expected timing or schedule for costs in each of these categories. The BCA may also consider the present discounted value of any remaining service life of the asset at the end of the analysis period. The costs and benefits that are compared in the BCA should also cover the same project scope, including the costs of other related projects on which the benefits of the PIDP project depend.

The BCA should carefully document the assumptions and methodology used to produce the analysis, including a description of the baseline, the sources of data used to project the outcomes of the project, and the values of key input parameters. Applicants should provide all relevant files used for their BCA, including any spreadsheet files (in their original format such as an unlocked Excel spreadsheet) and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by DOT evaluators.

Detailed guidance for estimating some types of quantitative benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, are available in DOT's guidance for conducting BCAs for projects seeking funding under the PIDP (see link above).

In addition to the BCA, the applicant may also wish to describe economic impacts and other data-supported outcomes that may not have been included in the benefit-cost analysis, such as how the project supports American industry and will result in high-quality job creation by supporting good-paying jobs with a free and fair choice to join a union in project construction and in on-going operations and maintenance, and incorporate strong labor standards, such as through the use of project labor agreements, registered apprenticeship programs, and other joint labor-management training programs.

**(b) Small Projects at Small Ports.** Applications for funding for small projects at small ports (as defined in Section A.3.) are not required to submit a BCA. Instead, under this criterion, applications for small projects at small ports should address the project's impact on (1) the economic advantage of the port, (2) the contribution to freight transportation at, around, and through the port, and (3) overcoming the competitive disadvantage of the port. This section applies to projects located in noncontiguous States or U.S. territories that meet the definition of a small project at a small port, regardless of whether the project is funded under the BIL or FY 2023 Appropriations Act.

The economic advantage of a port includes factors such as superior logistics, the availability of large spaces or capacity, proximity to railroads and highways, ample truck parking, light traffic congestion, and economic incentives. Information related to a project's impact on economic advantage should include evidence of improvements the project will generate as reflected in commitments, plans, or other documentation. It should also include analysis and documentation related to how the project will enhance the elements of economic advantage, such as by creating economies of scale, overcoming barriers to entry, or creating more efficient physical access for labor, resources, and customers to and around the port. Regarding economies of scale, the applicant should indicate whether or not the average cost of operation will decrease (or at least remain the same) following the increase in scale. Examples of projects, or project components, in support of an increase in a port's economies of scale include, but are not limited to, land expansion, new or larger warehouses, and longer or wider berths. Barriers to entry consist of economic and geographic barriers, such as an incumbent or adjacent(s) port having an absolute cost advantage due to port location, a large minimum scale of operation, or low switching costs; or the applicant's port having natural constraints to its capacity.

The narrative's discussion of the project's contribution to freight transportation should address how the project will improve the physical process of transporting goods and commodities. It should also address how the project will improve the port's resilience, including the critical goods and materials impacted by the project and how the project reduces or eliminates potential points of failure. Applicants should consider that the concept of resilience (as defined in Section A.3) is broader than cargo throughput. Resilience relates to the port's ability to overcome operational disruptions of many kinds. Therefore, narratives should address how projects may positively impact or correct systemic issues, including making improvements to security and expanding operational diversity or redundancy in ways that, without the proposed project investments, would not be possible.

Applicants should also include information that will help reviewers understand the competitive disadvantage of the port and, as appropriate, how the project will improve the port's competitive position. Elements of competitive disadvantage include severe climate, unfavorable port location, technological limitations, or limited operational scope. Applicants should explain how PIDP funding will help reduce, remove, or correct those elements.

Overall, applicants should include data and/or well-reasoned analyses when providing inputs on the economic vitality of a proposed project. Economic vitality supports the development of transportation systems that stimulate, support, and enhance the movement of goods to ensure a prosperous community and economy. When preparing the Project Narrative, applicants should consider that the concept of economic vitality includes recognizing a full range of multimodal and intermodal freight needs, public-private partnerships, sustainability, and institutional linkages within the community.

### **(3) Section C: Leveraging Federal Funding to Attract Non-Federal Sources of Infrastructure Investment**



While the Leveraging Federal Funding Criterion will be assessed according to the methodology described in Section E.1.a.(3), this section of the application may be used to include additional information that may strengthen MARAD's understanding of the applicant's effort to improve non-Federal leverage.

#### **(4) Section D: Port Resilience**

Applicants should identify specifically how the project will improve port resilience (as defined in Section A.3.) with respect to a natural or human-induced physical event or trend or physical impact that may cause: loss of life, injury, or other health impacts; damage and loss to property, infrastructure, or livelihoods; and the ability of the port to sustain its role in the local, regional, or national supply chain. Applicants are encouraged to align project elements, where possible, with: established State, local, or regional Comprehensive Plans; Climate Action Plans; Resilience Assessment Tools; or other planning, policy, or engineering tools that incorporate resilience concepts and mitigation techniques. The Department has developed a Climate Action Plan, available at <https://www.transportation.gov/sustainability/climate/dot-climate-action-plan-resilience>, that describes efforts to be taken by DOT to bolster adaptation and increase resilience. The DOT Climate Action Plan may serve as a useful resource for applicants in developing the port resilience section of the application, but the preference is for applicants to utilize State, local, or regional resilience assessment and mitigation resources where possible and describe any alignment with the DOT Climate Action Plan.

**f. Section V: Selection Considerations.** After discussing the merit criteria identified above, this section of the application should discuss how a project addresses the following selection considerations.

#### **(1) Section E: Climate Change and Sustainability**

MARAD encourages applicants to (1) consider climate change, sustainability, and environmental justice in project planning efforts and (2) incorporate project elements dedicated to mitigating or reducing the impacts of climate change, improving sustainability, and addressing environmental justice. In particular, applicants should address the extent to which the project reduces greenhouse gas emissions in the transportation sector, incorporates evidence-based climate resilience measures and features, and reduces the lifecycle greenhouse gas emissions from the project materials. Applicants also should address the extent to which the project (1) avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, and (2) addresses disproportionate negative impacts of climate change, including natural disasters, and pollution on disadvantaged communities, with a focus on prevention, response, and recovery. Finally, applicants should address how the project will motivate or accelerate durable, systemic improvements with respect to climate change, sustainability, and environmental justice, as well as whether the project adapts, expands, or builds on successful precedent. For example, the applicant could discuss how a particular investment in a port's underlying grid infrastructure is expected to facilitate electrification of various port operations.

To address the planning element of this consideration, the application should describe what specific project-related climate change, sustainability, or environmental justice activities have previously been completed. The applicant should indicate if it maintains a publicly available emissions inventory of greenhouse gases and/or other air pollutants completed after 2019, or, whether it intends to develop one.<sup>21</sup> The application should indicate whether a project is incorporated in a climate action plan, whether an equitable development plan has been prepared, and whether (and how) the results of planning tools such as DOT's Transportation

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<sup>21</sup> The EPA provides guidance for developing emissions inventories for ports, which can be found here: <https://www.epa.gov/state-and-local-transportation/port-emissions-inventory-guidance>.

Disadvantaged Census Tract tool, EPA’s Environmental Justice Screening Tool (EJSCREEN), or the Council on Environmental Quality (CEQ) Climate and Economic Justice Screening Tool (CEJST) have been incorporated into the project.<sup>22</sup> The applicant should also indicate whether or not a public involvement plan demonstrating meaningful engagement of the community affected by the project, to include environmental justice communities or disadvantaged communities, where applicable, was used in project planning.

To address the project components element of this consideration, the application should describe specific and direct ways that the project will mitigate or reduce contributions to climate change, improve sustainability, and address environmental justice considerations. For example, the narrative could address how the project: supports a multimodal shift in freight movement that reduces net emissions; incorporates electrification infrastructure (such as charging stations for electric port equipment); or promotes energy efficiency (such as through the use of demand management strategies or a reduction in vessel dwell times). If applicable, applicants are also encouraged to make floodplain upgrades consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in Executive Order 14030, *Climate-Related Financial Risk* (86 FR 27967) and 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input* (80 FR 6425).

In this portion of the project narrative, applicants should also indicate how the project addresses environmental justice considerations. For example, the narrative might indicate how the project: reduces exposure to hazardous materials and waste, harmful emissions, and noise

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<sup>22</sup> Information on DOT’s Transportation Disadvantaged Census Tract tool can be found at: <https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a>. The EJSCREEN tool can be found on the EPA site: <https://ejscreen.epa.gov/mapper/>. The CEJST tool can be accessed at: <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>.

impacts on disadvantaged and overburdened communities; increases the availability of, and access to, clean transportation options, including electric vehicles (EVs) and charging stations; integrates climate justice into project-related environmental review processes; or supports innovative programs, policies, and projects to reduce the environmental impacts associated with freight movements.

See Section E.1.b.(1) for additional information related to how MARAD will prioritize projects that align well with this selection consideration.

## **(2) Section F: Equity and Justice<sup>40</sup>**

MARAD encourages applicants to proactively evaluate whether a project will create proportional impacts to all populations in a project area and increase equitable access to project benefits, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). Applicants should address how their project will include an equity assessment that evaluates whether a project will create proportional impacts and remove transportation-related disparities to all populations in a project area. Although not required, applicants are encouraged to use DOT's Disadvantaged Census Tracts tool or equivalent tools in their assessment. Applicants should demonstrate how meaningful public engagement will occur throughout a project's lifecycle and, to the extent possible, target at least 40 percent of project benefits towards low-income communities, Historically Disadvantaged Communities, or underserved or overburdened communities. This section of the application should also include sufficient information to evaluate how the project will advance equity and describe the potential benefits or services to the public provided by the project, emphasizing any benefits to minority, low income, or other Historically Disadvantaged Communities. The applicant should indicate which (if any) planning and policies related to equity they are implementing or have implemented along with the specific project investment

details. For example, the applicant could describe how the project: incorporates an equity impact analysis; adopts an equity and inclusion program/plan; or implements equity-focused policies related to the project. Any policies, plans, and outreach documentation related to advancing equity should be briefly discussed.

Applicants should ensure that they are adequately informed about how the proposed project will potentially impact affected communities and that diverse views are heard and considered throughout all stages of the consultation, planning, and decision-making process. To that end, applicants should include a description of all public engagement related to the project, including engagement that is inclusive of minority, low income, limited English proficiency (LEP), and other Historically Disadvantaged Communities, including individuals with disabilities, and the degree to which public comments and input have been integrated into project development and design. The applicant should review the DOT Title VI Program Order 1000.12C,<sup>23</sup> DOT LEP Guidance,<sup>24</sup> and DOT Promising Practices for Meaningful Public Involvement in Transportation Decision-Making<sup>25</sup> prior to submission.

Applicants should also use this section to provide a description of any compliance reviews, external lawsuits, investigations, or complaints alleging discrimination, of any kind, occurring in the last five years. The applicant should also provide information discussing the demographic makeup of any existing or proposed planning or advisory body associated with the project and describe their efforts to encourage the participation of minority, low income, and limited English proficient individuals. See Section E.1.b.(2) for additional information related to how MARAD will prioritize projects that align well with this selection consideration.

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<sup>23</sup> <https://www.transportation.gov/sites/dot.gov/files/2021-08/Final-for-OST-C-210312-002-signed.pdf>.

<sup>24</sup> <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>.

<sup>25</sup> <https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making>.

### **(3) Section G: Workforce Development, Job Quality, and Wealth Creation**

Applicants should address how their project will create good-paying jobs with the free and fair chance to join a union in project construction; incorporate strong labor standards, such as through the use of project labor agreements; promote investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships, with a focus on women, people of color, and others who are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); and implement hiring policies and workplace cultures to promote the entry and retention of underrepresented populations. Applicants should address how the project promotes local inclusive economic development and entrepreneurship such as utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

See Section E.1.b.(3) for additional information related to how MARAD will prioritize projects that align well with this selection consideration.

#### **g. Section VI: Project Readiness**

MARAD will consider project readiness to assess the likelihood of delivery of a successful project. Project readiness consists of two factors: technical capacity and environmental risk.

##### **(1) A: Technical Capacity**

The applicant should provide information demonstrating its technical capacity to implement the project based on experience and understanding of Federal requirements. This section may include a description of the applicant's history of delivering similar projects or experience completing a Federally supported project. The application should also demonstrate a project's feasibility or constructability and schedule, and how the project (such as design and construction) will comply with applicable Federal requirements. The narrative should also include information about how and when cost data in the budget was compiled, including information on how it was

sourced (such as a cost database, market survey, or fixed-price bid). The discussion should also include information about the degree of design completion used to compile the cost information. An applicant's failure to include this information could adversely affect its technical capacity rating.

The applicant should indicate whether the project is part of an ongoing planning effort, such as at the local, regional, or State level. Information on whether the project is included in a local or State freight plan, part of a facility or organization strategic plan, or included in other planning efforts should be included. Applicants should provide links or other documentation supporting the project's inclusion in these planning efforts.

**Project Schedule.** The applicant should include a detailed project schedule that identifies all major project milestones. For capital project applications, examples of such milestones include State and local planning approvals; start and completion of NEPA, and other Federal environmental reviews and approvals including permitting; design completion; real property and right of way acquisition; approval of plans, specifications, and estimates; procurement; project partnership and implementation agreements, including agreements with non-governmental entities involved in or impacted by the project; and construction. For planning projects, examples of milestones may include start dates, schedule for public engagement, and completion dates. All project-related real property and right-of-way acquisition must be completed in a timely manner in accordance with 49 CFR part 24 and other applicable legal requirements, even if acquired outside the scope of the PIDP project. The project schedule should be sufficiently detailed to demonstrate that the project can begin construction quickly upon obligation of PIDP funds, and that the grant funds will be spent expeditiously once construction starts, in order for MARAD to make the determination described in Section D.2.i.

**Risk Mitigation.** Applicants should include a discussion of project risks and related mitigation strategies. The discussion should focus on, but need not be exclusively related to, risks related to project readiness. For example, the applicant should identify project risks, such as approval or permit delays, procurement delays, technical challenges in design or construction, environmental uncertainties, potential increases in project costs, or lack of required approvals that affect the likelihood of successful project start and completion. The narrative should include a discussion that identifies how the project parties will mitigate or otherwise be able to handle the identified risks.

## **(2) B: Environmental Risk**

This section of the application should include sufficient information for MARAD to evaluate whether a project is reasonably expected to begin construction in a timely manner, consistent with all applicable local, State, and Federal requirements. To assist MARAD's project environmental risk review, the applicant should provide the information requested on NEPA class of action and status, required approvals and permits, public involvement, and right-of-way acquisition plans (if applicable), each of which is described in greater detail in the following sections. To minimize redundant information in the application, MARAD encourages applicants to cross-reference from this section of their application to relevant information in other sections of the application.

**Information about the NEPA status of the project.** The applicant should indicate the anticipated NEPA level of review for the project and describe any environmental analysis in progress or completed. This includes Categorical Exclusion, Environmental Assessment/Finding of No Significant Impact, or Environmental Impact Statement/Record of Decision. The applicant should review the Maritime Administration Manual of Orders (MAO) 600-1 (available at <https://www.maritime.dot.gov/sites/marad.dot.gov/files/docs/environment-security-safety/office->



[environment/596/mao600-001-0.pdf](#)) prior to submission. The application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the last agency action with respect to NEPA documents occurred more than three years before the application date, the applicant should describe why the project has been delayed and include a proposed approach for verifying and, if necessary, updating this material in accordance with applicable NEPA requirements. The applicant should be aware that the final determination of NEPA class of action will be made by MARAD after announcement of project selections. The successful applicant will be responsible for the completion of MARAD's NEPA documentation, in collaboration with MARAD's NEPA Coordinator in the Office of Environmental Compliance, prior to execution of the grant agreement. If applicable, applicants should include a description of discussions with the appropriate MARAD NEPA Coordinator in the Office of Environmental Compliance regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.

**Environmental Permits and Reviews.** The application should demonstrate receipt (or reasonably anticipated receipt) of all environmental permits and approvals necessary, such as Army Corps of Engineers permits and consultations under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and Section 7 of the Endangered Species Act, 16 U.S.C. 1531, for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the obligation deadline, including satisfaction of all Federal, State, and local requirements and completion of the NEPA process. The successful applicant, in collaboration with MARAD, will be responsible for the completion of consultations under Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act prior to completing NEPA.

Additionally, the application should reference environmental studies or other documents, preferably through a website link, that describe in detail known project impacts and possible mitigation for those impacts, and, if applicable, right-of-way acquisition plans, with detailed schedule and compensation plan. The application should also include a description of public engagement about the project that has occurred, proactively inclusive of Historically Disadvantaged Communities, including details on compliance with environmental justice requirements and the degree to which public comments and commitments have been integrated into project development and design.

**State and Local Approvals.** The applicant should demonstrate receipt (or reasonably anticipated receipt) of State and local approvals on which the project depends, such as State and local environmental permitting and planning. For projects acquiring a State DOT-owned right of way, applicants should demonstrate they have coordinated the project with the State DOT or transportation facility owner. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

**Information on environmental reviews, approvals, and permits by other agencies.** An application should indicate whether the proposed project requires reviews or approval actions by other agencies,<sup>26</sup> 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.

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<sup>26</sup> Projects that may impact protected resources such as wetlands, species habitat, or cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

A description of whether the project is dependent on, or affected by, U.S. Army Corps of Engineers investment and the U.S. Army Corps of Engineers planned activities as it relates to the project, if applicable, should be included.

#### **h. Section VII: Domestic Preference**

This section should include a description of whether all iron, steel, manufactured products, and construction materials to be used in the project are produced in the United States, in accordance with the requirements of the Build America, Buy America Act (Pub. L. 117-58, Division G, §§ 70901-27), as implemented by MARAD.<sup>27</sup> In addition, applicants should include a discussion of steps that they have taken or will take if their project is selected for funding, to ensure that the project complies with the Build America, Buy America requirements. See Section E.1.d. This section should also include an assessment of what, if any, iron, steel, manufactured products, and construction materials would require a waiver of the Buy America provisions described in Section F.2. of this notice and the applicant's current efforts and planned future efforts to maximize the use of domestic goods, products, and materials in constructing its project. The content of this section of the application is particularly important for projects that propose the acquisition of heavy equipment, construction components, or bollard and fendering systems. As described in Section E.1.d., among otherwise comparable applications, projects that may require a waiver of the applicable PIDP Buy America requirements will be less competitive.

#### **i. Section VIII: Statutory Determinations**

To select a project for award, the Department must determine that the project—as a whole, as well as each independent component of the project—satisfies several statutory requirements

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<sup>27</sup> Applicants can refer to term B.5 of the exhibits to MARAD grant agreements under the FY 22 PIDP, dated November 28, 2022, to see how MARAD intends to implement the Build America, Buy America Act requirements to all FY 2023 PIDP funds: <https://www.maritime.dot.gov/grants-finances/federal-grant-assistance/marad-fy-2022-pidp-exhibits>.

enumerated in 46 U.S.C. 54301(a)(6)(A) and restated in the table below. The application must include sufficient information for the Department to make these determinations for both the project as a whole and for each independent component of the project. Applicants should use this section of the application to summarize how their project and, if present, each independent project component, meets each of the following requirements. Applicants are not required to reproduce the table below in their application but following this format will help evaluators identify the relevant information that supports each project determination. Supporting information provided in appendices may be referenced.

<b>Statutory Determination</b>	<b>Guidance</b>
1. The project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to the port.	Please summarize how the project will improve the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to a port. Detail specific elements of the project and their forecasted impact on port performance indicators (such as improvements in vessel dwell times, truck turn times, capacity, throughput, accident reductions, etc.). If the project has multiple independent components, please provide sufficient information to describe the impact of each component on the overall project.
2. The project is cost effective.	Please highlight the results of the BCA, as well as the analyses of independent project components, if applicable. The Department will base its determination on the ratio of project benefits to project costs as assessed according to the Economic Vitality criterion. Note: This determination is not applicable to small projects at small ports. This requirement also does not apply to projects located in noncontiguous States or U.S. territories awarded funding under the FY 2023 Appropriations Act.
3. The eligible applicant has the authority to carry out the project.	Please provide citations of authority or other supporting documentation necessary to establish an applicant's authority to carry

	<p>out the project. The citations should be of sufficient detail to demonstrate that the applicant is an eligible applicant and to show how the applicant is related to the work on the property where the grant funds will be spent.</p> <p>Examples of information that could assist with making this determination include: the citation of specific sections or chapters of state or local statutory language that demonstrate relevant authority; the inclusion of a narrative outlining the authority of the eligible entity applying for grant funding; or a description of the relationship between the applicant and the owner of the property that links the project to the authority to carry out the project (e.g., through a lease agreement).</p>
<p>4. The eligible applicant has sufficient funding available to meet the matching requirements.</p>	<p>Please indicate funding source(s) and amounts that will account for all project costs, broken down by independent project component, if applicable. Demonstrate that the funding is stable, dependable, and dedicated to this specific project by referencing a letter of commitment, a local government resolution, memorandum of understanding, or similar documentation. Include proof that the matching funds will be available and committed prior to obligation of funds, regardless of the source of funding. The Department will base its determination on an assessment of this information by PIDP evaluators.</p>
<p>5. The project will be completed without unreasonable delay.</p>	<p>Please provide expected obligation date<sup>28</sup> and construction start date, referencing project budget and schedule as needed. If the project has multiple independent components, or will be obligated and constructed in multiple phases, please provide sufficient information to show that each component meets this requirement. MARAD will base its determination on the project risk rating assessed as part of the</p>

<sup>28</sup> Obligation occurs when a selected applicant enters a written, project-specific agreement with the Department and is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements, such as NEPA.

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

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

Each applicant must: (1) be registered in SAM before submitting its application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

MARAD may not make a FY 2023 PIDP grant award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time MARAD is ready to make a PIDP grant

award, MARAD may determine that the applicant is not qualified to receive a PIDP grant award and use that determination as a basis for making a PIDP grant award to another applicant.

#### **4. Submission Dates and Times**

Applications must be submitted to Grants.gov by 11:59:59 p.m. E.D.T. on April 28, 2023. Grants.gov attaches a time stamp to each application at the time that submission is complete. Applications with a time stamp after the deadline will not be considered. MARAD does not accept applications via mailed paper, fax machine, email, or other means. Please note that the Grants.gov registration process usually takes 2-4 weeks to complete.

#### **5. Funding Restrictions**

This program will not fund construction, reconstruction, reconditioning, or purchase of a vessel, unless the Secretary determines such vessel is necessary for a project under Section C.3.a.(IV) of this notice and is not already receiving assistance under 46 U.S.C. chapter 537. In addition, this program will not fund any project within a small shipyard (as defined in 46 U.S.C. 54101).

Improvements to Federally owned facilities are ineligible under the FY 2023 PIDP.

Funds granted to small projects at small ports under 46 U.S.C. 54301(b) may not be used for: any single grant award more than \$11.25 million; or activities, including channel improvements or harbor deepening, that are part of a Federal channel, authorized, as of the date of the application for assistance, to be carried out by the U.S. Army Corps of Engineers.

MARAD will not consider previously incurred costs or previously expended or encumbered funds towards the matching requirement for any project prior to MARAD's announcement of project selections, except for certain costs related to a small project at a small port (i.e., grants under 46 U.S.C. 54301(b)). Unless authorized in writing by MARAD after announcement of project selection pursuant to 46 U.S.C. 54301(a)(10)(B) or 2 CFR 200.458, an expense incurred

before a grant agreement is executed will not be reimbursed or count towards cost share requirements.

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

## **6. Other Submission Requirements**

### **a. Submission Location**

Applications must be submitted to Grants.gov. MARAD does not accept applications via mailed paper, fax machine, email, or other means. To apply through Grants.gov, applicants must:

- (1) Obtain a Unique Entity Identifier<sup>29</sup> (UEI) number.
- (2) Register with the System for Award Management (SAM) at [www.SAM.gov](http://www.SAM.gov).
- (3) Create a Grants.gov username and password.
- (4) Complete Authorized Organization Representative (AOR) registration in Grants.gov.

The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from Grants.gov and login at Grants.gov to authorize the applicant as the AOR. Please note that there can be more than one AOR for an organization.

Please note that the Grants.gov registration process usually takes 2–4 weeks to complete and that MARAD will not consider late applications that are the result of a failure to register or comply with Grants.gov applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at

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

If applicants experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 1 (800) 518–4726.

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<sup>29</sup> As of April 4, 2022, the Federal government no longer uses the Data Universal Numbering System (DUNS) number to uniquely identify entities. Instead, entities doing business with the Federal government must use a Unique Entity Identifier (UEI) created in SAM.gov. If your entity is currently registered in SAM.gov, your UEI has already been assigned and is viewable in SAM.gov. This includes inactive registrations.



**b. Consideration of Applications**

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

**c. Late Applications**

Any applications that Grants.gov time stamps after 11:59:59 E.D.T. on April 28, 2023 will not be accepted. Applicants are strongly encouraged to make submissions days, if not weeks, in advance of the deadline, and applicants facing technical issues are advised to contact the Grants.gov helpdesk well in advance of the deadline.

**d. Compliance with Section 508 of the Rehabilitation Act of 1973**

The Department encourages 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/>.

**e. Sharing of Application Information**

Except for the information properly marked as described in Section H.1., MARAD may share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program's objectives.

**E. Application Review Information**

This section identifies how MARAD will evaluate applications received for FY 2023 PIDP grant funding. Applications will be evaluated for their alignment with the merit criteria. MARAD will also consider the extent to which applications align with the selection considerations and may give priority to those projects that align well when selecting among highly-rated applications.

## **1. Merit Criteria and Selection Considerations**

### **a. Merit Criteria**

MARAD will review merit criteria for all applications. Reviewers will assess a project's alignment with the program's statutory merit criteria: Achieving Safety, Efficiency, or Reliability Improvements; Supporting Economic Vitality; Leveraging Federal Funding; and Port Resilience. For each criterion, reviewers will evaluate whether the benefits of the project are clear, direct, data-driven, and reasonable. Based on that assessment, reviewers will assign a rating for each criterion, as explained in greater detail in criterion-specific sections below. See Section E.2. for more information on the Review and Selection Process.

Planning grant applications will be evaluated against the same merit criteria as capital grants; however, the information does not need to be as driven by data as capital projects, since data is often an outcome of the project to be planned. MARAD will consider how the plan, once implemented, will ultimately further the merit criteria.

#### **(1) Achieving Safety, Efficiency, or Reliability Improvements**

MARAD will evaluate the extent to which the project will improve the safety, efficiency, or reliability of the movement of goods. Reviewers will assign a rating of "high," "medium," "low," or "non-responsive" as further described below.

A project improves safety if it has one or more of the following safety benefits: (1) protects those in the port from safety risks; (2) reduces fatalities and/or serious injuries related to port operations; or (3) incorporates specific safety improvements that are part of a documented risk reduction mitigation strategy and that have port-wide impact. A project improves efficiency if it results in documented improvements in cargo throughput at a port. A project improves reliability if it results in enhancements that improve the dependability of cargo operations.

To receive a “high” rating, a project must produce significant improvements in Safety, Efficiency, and Reliability.<sup>30</sup> The improvements must be direct and data-driven. To receive a “medium” rating, a project must significantly improve two of the following: Safety, Efficiency, or Reliability. The improvements may be either direct or data-driven. To receive a “low” rating, a project must improve at least one of the following: Safety, Efficiency, or Reliability where the improvements are not necessarily supported in the narrative by data. A project that, based on the reviewers’ assessment of the content of the application, does not demonstrate that it will significantly improve or that negatively impacts the project utilities (safety, efficiency, reliability) will receive a “non-responsive” rating. Projects with higher ratings will be more competitive.

## **(2) Supporting Economic Vitality at the Regional or National Level**

**(a) Large Projects.** MARAD will consider the net benefits of large projects (as defined in Section A.3.) seeking PIDP funding. To the extent possible, MARAD will rely on quantitative, data-supported analyses to assess how well a project addresses this criterion, including an assessment of the project’s estimated BCR and net benefits based on the applicant-supplied BCA described in Section D.2.e.(2)(a).

Based on MARAD’s assessment, MARAD will assign an economic analysis rating of high, medium-high, medium, medium-low, or low according to the following table:

<b>Rating</b>	<b>Description</b>
High	The project’s benefits will exceed its costs, with a BCR of at least 1.5
Medium-High	The project’s benefits will exceed its costs
Medium	The project’s benefits are likely to exceed its costs
Medium-Low	The project’s costs are likely to exceed its benefits
Low	The project’s costs will exceed its benefits

<sup>30</sup> An improvement is significant if it produces benefits that are shared on at least a port-wide scale, positively impacts underserved or disadvantaged communities or segments of the workforce, and is well supported by documentation in the application.

Projects with a higher rating as described above will be more competitive than ones with lower ratings.

For applications seeking funding for large projects located in noncontiguous States or U.S. territories, MARAD will evaluate any materials an applicant submits as described in Section D.2.e.(2)(a) of this notice. Based on that assessment, MARAD will consider whether the project can be considered for funding under both the BIL and the FY 2023 Appropriations Act.

**(b) Small Projects at Small Ports.** The economic vitality analysis for small projects at small ports will apply to applications seeking funding under 46 U.S.C. 54301(b). MARAD will consider the impact of the proposed small project at a small port on the economic advantage and the contribution to freight transportation at a port. MARAD will also consider the competitive disadvantage of the port seeking the funding. In making this assessment, MARAD will consider all relevant information provided by the applicant.

Based on the reviewers' assessments, MARAD will group projects according to their impacts. A "high" impact project is one that documentation submitted by the applicant indicates will improve the economic advantage of the port, contribute to freight transportation at the port, and improve the competitive advantage of the port seeking funding. A "medium" impact project is one that documentation submitted by the applicant indicates will improve two of the factors identified above. A "low" impact project is one that documentation submitted by the applicant indicates will improve only one of the factors identified above. Projects with higher impacts will be more competitive. An application will be evaluated as "non-responsive" if the reviewers determine that the project will not improve any of the factors.

### **(3) Leveraging Federal Funding to Attract Non-Federal Sources of Infrastructure Investment**

To maximize the impact of PIDP awards, MARAD seeks to leverage PIDP funding with non-Federal contributions. To evaluate this criterion, MARAD will assign a leverage rating to each project moved forward for additional review by the Senior Review Team (SRT). See Section E.2.a. The rating will be based on the calculated non-Federal share of the project's future eligible project costs. Refer to Section C.2. of this notice for how MARAD will make this calculation. MARAD will sort project applications' non-Federal leverage percentage from high to low, and the assigned ratings will be based on quintile: projects in the 80<sup>th</sup> percentile and above receive the highest rating; the 60<sup>th</sup>-79<sup>th</sup> percentile receive the second highest rating; 40<sup>th</sup>-59<sup>th</sup>, the third highest rating; 20<sup>th</sup>-39<sup>th</sup>, the fourth highest rating; and 0-19<sup>th</sup>, the lowest rating. A project in a higher quintile will be more competitive than a comparable project in a lower quintile.

For the purposes of evaluating leverage, proceeds of Federal assistance under chapter 6 of Title 23, United States Code or sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law No. 94-210), as amended, shall be considered to be part of the non-Federal share of project costs if the loan is repayable from non-Federal funds, unless otherwise requested by the project sponsor.

#### **(4) Port Resilience**

As provided in 46 U.S.C. 54301(a)(6)(B)(iii), the Secretary shall give substantial weight to changes to a port's resilience as a result of the project. Therefore, reviewers will assess whether (and how well) a project improves a port's resilience, including its role in a vibrant local, regional, or national supply chain system.

Reviewers will assign a rating of "high," "medium," "low," or "non-responsive" based on their assessment. Projects that significantly advance a port's resilience with respect to its ability to withstand weather and climate-related events and human-caused emergencies and that have

significant positive supply chain system impacts will receive a high rating. A project will receive a medium rating if it: advances resilience to either weather and climate-related or human-caused emergencies and results in positive impacts on the supply chain; or advances resilience to both weather and climate-related or human-caused emergencies, even if it does not result in positive impacts on the supply chain. Projects that advance a port's resilience to either weather and climate-related events or human-caused emergencies but that do not demonstrate important supply chain impacts will receive a low rating. Projects that do not advance a port's resilience or that have a negative effect on it will receive a non-responsive rating. Projects with higher ratings will be more competitive.

**b. Selection Considerations**

After evaluating applications for each merit criterion, MARAD will consider the extent applications align with the following selection considerations.

**(1) Climate Change and Sustainability**

MARAD will consider the extent to which projects address climate change and sustainability, to include environmental justice, and may prioritize those projects that receive higher ratings under this selection consideration.

The project will be assigned a climate change and sustainability rating based on how comprehensively it addresses the areas described in Section D.2.f.(1).

Reviewers will assign a rating of "high," "medium," "low," or "non-responsive" based on their assessment of how well the PIDP application incorporates climate change and sustainability factors, including environmental justice, in both planning activities and specific project elements as discussed in Section D.2.f.(1). To receive a high rating, a project must have incorporated climate change, sustainability, and environmental justice in both planning activities and project elements. Applications that incorporate climate change, sustainability, and environmental justice

in either planning activities or project elements will receive a medium rating. Applications that incorporate climate change, sustainability, or environmental justice, but not all, in planning activities or project elements will receive a low rating. Applications that fail to substantively address this criterion in either planning activities or project elements will receive a non-responsive rating. In addition, projects that will have a negative effect on climate change, sustainability, or environmental justice will receive a non-responsive rating.

## **(2) Equity and Justice<sup>40</sup>**

MARAD will consider the extent to which projects advance equity and Justice<sup>40</sup> to promote fairness and opportunity and may prioritize those projects that receive higher ratings under this selection consideration.

MARAD reviewers will assess how an applicant's planning activities and project components support advancements in equity as described in Section D.2.f.(2). Reviewers will assign ratings based on how comprehensively the applicant and the project address equity and Justice<sup>40</sup> considerations.

In evaluating whether a project advances the equity policy priority, reviewers will consider how it: addresses disproportional impacts on underserved communities; addresses the unique challenges rural and Tribal communities face related to economic development; and incorporates and supports integrated land use, economic development, and transportation infrastructure to improve the movement of goods.

In evaluating whether a project advances the Justice<sup>40</sup> priority, reviewers will consider how the project: considers the benefits and potential burdens a project may create; who would experience the benefits and potential burdens and how both will be measured over time (with a specific focus on how the benefits and potential burdens will impact underserved or disadvantaged communities); commits to a meaningful public involvement process, inclusive of

disadvantaged populations, throughout the lifecycle of the project; and benefits underserved/Historically Disadvantaged Communities, including benefits that would accrue to underserved/Historically Disadvantaged Communities outside of the specific project area.

To receive a “high” rating, a project must robustly include components from each of the following areas: equity-focused policies and related project initiatives; support of workforce training programs that place underrepresented populations into good-paying jobs with free and fair choice to join a union; and a detailed community or public participation plan or community participation strategy to facilitate meaningful project-related public engagement. To receive a “medium” rating, projects must robustly address two of the three referenced areas. A project would achieve a “low” rating if only one of the areas above is addressed. A project would receive a “non-responsive” rating if none of the areas above are addressed or if reviewers conclude that the project would have a negative impact on equity and Justice<sup>40</sup>.

### **(3) Workforce Development, Job Quality, and Wealth Creation**

MARAD will consider the extent to which projects 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, and may prioritize those projects that receive higher ratings under this selection consideration, consistent with Executive Order 14025, *Worker Organizing and Empowerment* (86 FR 22829) and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335). The Department also intends to use the PIDP to support wealth creation, consistent with the Department’s Equity Action Plan, through the inclusion of local inclusive economic development and



entrepreneurship such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.<sup>31</sup>

Reviewers will evaluate whether the applicant's approach to project delivery and implementation creates good-paying jobs to the greatest extent possible. For example, reviewers will assess whether the project plan includes the free and fair choice to join a union in project construction; incorporates project labor agreements;<sup>32</sup> or describes how the project will expand strong labor standards, including not only compliance with prevailing wage requirements but also non-construction labor provisions that are relevant to the project.

Reviewers will also consider how well an applicant, project application, or proposed project commits to registered apprenticeship positions and use apprentices on the funded project, sometimes called an apprenticeship utilization requirement (e.g., requiring that 15 percent of all labor hours will be performed by registered apprentices); includes high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships; tracks and publishes aggregate workforce data, including information demonstrating that employment opportunities are available to historically underserved workers in their communities; identifies training programs that are diverse, including pre-apprenticeship and apprenticeship readiness programs, and explains how individuals from these programs are considered for and hired for apprenticeship slots and other jobs on the project; includes local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms; and/or describes a state/regional/local comprehensive plan to

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<sup>31</sup> The Department's Equity Action Plan can be accessed 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>32</sup> These agreements may include pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project.

promote equal opportunity, including removing barriers to hiring and prevention of harassment on work sites, and ensuring that the plan demonstrates action to create an inclusive environment with a commitment to equal opportunity.

Reviewers will assign applications a “high,” “medium,” “low,” or “non-responsive” rating based on how well the applicant, application, or project addresses this topic. An application that demonstrates a strong organizational commitment to advancing workforce development, job quality, and wealth creation will receive a high rating. A medium rating will be assigned to an application that addresses workforce development, job quality, and wealth creation to some degree. Applications that only partially address workforce development, job quality, and wealth creation will be assigned a low rating and applications that do not address this criterion will be assigned a non-responsive rating.

### **c. Project Readiness**

Each application will receive a Project Readiness rating based on the ratings it receives for Technical Capacity and Environmental Risk. The Project Readiness rating will be based on the poorest risk rating earned in either Technical Capacity or Environmental Risk. For example, if an application is evaluated as high risk for Technical Capacity and medium risk for Environmental Risk, its Project Readiness rating will be high risk since a rating of high risk is less desirable than a rating of medium risk. The following paragraphs describe how MARAD will evaluate Technical Capacity and Environmental Risk.

#### **(1) Technical Capacity**

MARAD will consider significant risks to successful completion of a project, including risks associated with the complexity of the project, the proposed project schedule, and the applicant’s overall capacity to manage project delivery. If applicable, reviewers will also consider the applicant’s previous experience working with Federal agencies on grant-funded projects. Risks

do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks is more competitive than a comparable project with unaddressed risks.

Technical Capacity ratings will be one of the following: “low risk,” “moderate risk,” or “high risk.” An applicant’s lack of previous experience with Federally funded grants will not disqualify a project from consideration.

## **(2) Environmental Risk**

Reviewers will independently assess the level of review of the project required by NEPA and evaluate whether the applicant has demonstrated receipt (or reasonably anticipated receipt) of other necessary environmental permits. Reviewers will also assess the project’s compliance with other environmental reviews, consultations, and approvals (such as the Endangered Species Act and the National Historic Preservation Act). As with risks related to technical capacity, environmental risks do not disqualify projects from award, but competitive applications include achievable risk mitigation strategies.

Environmental Risk ratings will be one of the following: “low risk,” “moderate risk,” or “high risk.”

### **d. Domestic Preference**

As expressed in Executive Order 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 requirements of the Build America, Buy America Act. The Department expects all applicants to comply with those requirements.

Among otherwise comparable applications, projects that depend on iron, steel, manufactured products, and construction materials that do not, at a minimum, comply with the domestic preference requirements outlined in the Build America, Buy America Act will be less competitive than projects that comply with those requirements. Among otherwise comparable applications that may require waivers of those requirements to complete the project, an application that presents an effective plan to maximize domestic content will be more competitive than one that does not. MARAD will not award projects that likely need a waiver but do not present a plan to maximize domestic content.

All projects advanced by the SRT for additional review will be evaluated for domestic preference compliance and effectiveness of its domestic content plan. Domestic Preference compliance ratings will be one of the following: likely compliant; may require a waiver; or likely requires a waiver. Reviewers will assign one of the following ratings to a project's domestic content plan: mature plan, immature plan, or no plan.

**e. Determinations**

As indicated in Section D.2.i. above, projects must satisfy the six determinations identified in 46 U.S.C. 54301(a)(6)(A) prior to award selection. For applications that seek funding for projects under 46 U.S.C. 54301(b), the project will not be required to satisfy the determination that the project is cost effective. Similarly, large projects in noncontiguous States and U.S. territories that are awarded funding under the FY 2023 Appropriations Act will not be required to satisfy the determination that the project is cost effective.

**2. Review and Selection Process**

**a. Review Process**

The FY 2023 PIDP grant application evaluation process consists of an Intake Review Phase, a Technical Review Phase, and a Senior Review Phase.

During the Intake Review Phase, the Intake Team will sort applications into groupings for assignment to evaluators and conduct a threshold eligibility screening based on criteria outlined in this NOFO.

During the Technical Review Phase, MARAD staff will analyze applications and provide ratings, consistent with the descriptions in this notice. Initially, all applications will be reviewed for their alignment with the following merit criteria: Achieving Safety, Efficiency, or Reliability Improvements; Port Resilience; and Leveraging Federal Funding. The applications will also be reviewed for their alignment with the additional selection considerations of Climate Change and Sustainability; Equity and Justice<sup>40</sup>; and Workforce Development, Job Quality, and Wealth Creation.

Projects that receive a “High” rating in Safety, Efficiency, or Reliability Improvements, no less than a “Medium” rating in Port Resilience, and whose calculated non-Federal share of the project’s future eligible costs exceeds 20 percent will be designated “Highly Recommended” and automatically advance for second-tier analysis.

After that initial review, projects that did not receive a “Highly Recommended” designation will be presented to a first meeting of the SRT. The SRT will decide which of the projects not designated as “Highly Recommended” will move forward for second-tier analysis. The SRT will primarily base its decision on how well a project meets the statutory merit criteria of Achieving Safety, Efficiency, or Reliability Improvements; Port Resilience; and Leverage. The SRT may also consider a project’s rating on: Climate Change and Sustainability; Equity and Justice<sup>40</sup>; and Workforce Development, Job Quality, and Wealth Creation. A project that aligns poorly with the selection considerations of Climate Change, Equity, or Workforce Development may nevertheless be advanced for additional review; however, if the project is selected for funding,

the Department may require that the applicant demonstrate the ability of its project to align with those priorities before receiving funds, as described in section F.2.b. of this notice.

During the second-tier analysis, projects will be reviewed for their alignment with the following criteria: Supporting Economic Vitality; Project Readiness; Statutory Determinations; and Domestic Preference.

Based on the results of this additional review, the SRT assembles a List of Projects for Consideration for selection by the Secretary. A project must meet all six determinations to be included on the List of Projects for Consideration. The Secretary makes final selections based on the merit criteria and selection considerations described in Section E.1. In making PIDP grants, the Secretary may consider infrastructure improvements identified in the report on strategic seaports required by section 3515 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116-92; December 20, 2019) that would improve the commercial operations of those seaports.

#### **b. Follow-up with Applicants**

MARAD may ask any applicant to supplement data in its application but is not required to do so. Lack of supporting information provided with the application negatively affects competitiveness of the application. Throughout the review and selection process, MARAD may seek additional information from an applicant related to project eligibility, whether the project can be completed with a reduced award, or other information needed to complete project analysis. MARAD will use email when seeking additional information from an applicant. MARAD will send the email to the point(s) of contact listed by the applicant on the SF-424.

### **3. Additional Information**

Planning grant applications will be evaluated against the same criteria as capital grant applications, and DOT will prioritize funding for projects that propose to move into the

construction phase within the period of performance. Accordingly, applications for development phase activities will be less competitive than capital projects.

Prior to obligation of funds, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.206. MARAD 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. MARAD will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

## **F. Federal Award Administration Information**

### **1. Federal Award Notice**

Following the evaluation outlined in Section E, MARAD will announce projects selected for award by posting a list of selected projects at <https://www.maritime.dot.gov/PIDPgrants>. Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following that announcement, MARAD will contact the point of contact listed in the SF-424 to initiate negotiation of the grant agreement.

Recipients of an award will not receive a lump-sum cash disbursement at the time of announcement of project selection or obligation of funds. Instead, PIDP grant funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and a valid request for reimbursement has been submitted and approved by MARAD. PIDP grant recipients must adhere to applicable requirements and follow established procedures to receive reimbursement.

### **2. Administrative and National Policy Requirements**

### **a. Administrative Requirements**

MARAD will determine the period of performance for each award based on the specific project that was evaluated and selected. MARAD will administer each PIDP grant pursuant to a grant agreement with the grant recipient. Amounts awarded as a grant under this notice that are not expended by the grant recipient shall remain available to MARAD until September 30, 2033, for use for grants under this program.

The grant agreement between a grant recipient and MARAD includes two attachments: one labelled “Exhibits” and one labelled “General Terms and Conditions.” These attachments include most of the administrative and national policy requirements applicable to PIDP grant awards. Please visit <https://www.maritime.dot.gov/grants/federal-grant-assistance/federal-grant-assistance> for the Exhibits and General Terms and Conditions for prior PIDP awards. The FY 2023 PIDP Exhibits and General Terms and Conditions will be similar to the FY 2022 PIDP documents but will include relevant updates consistent with this notice.

Consistent with the provisions in 46 U.S.C. 54301(a)(10)(B) and 2 CFR 200.458, unless “pre-award costs” are authorized by MARAD in writing after MARAD’s announcement of FY 2023 PIDP awards, any costs incurred prior to MARAD’s obligation of funds for a project are ineligible for reimbursement and are ineligible to count as match for cost share requirements.

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by DOT at 2 CFR part 1201. Additionally, other applicable Federal laws, Executive Orders, and any rules, regulations, and requirements of MARAD will apply to the projects that receive PIDP grant awards.

As expressed in Executive Order 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 use terms and



conditions of Federal financial assistance awards to maximize the use of goods, products, and materials produced in, and services offered in, the United States. Consistent with the requirements of the Build America, Buy America Act, MARAD expects all applicants to comply, and no amounts made available through this NOFO may be obligated for a project unless all iron, steel, manufactured products, and construction materials used in the project are produced in the United States. If selected for an award, grant recipients will be required to obtain approval from DOT to waive any of these requirements. To obtain that approval, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

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; statutory, regulatory, and public policy requirements, including, without limitation, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination; the conditions of performance, nondiscrimination 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 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.

Further, financial assistance recipients must comply with health and safety, labor, employment, and equal employment opportunity laws including, but not limited to, the right to organize, proper classification of workers as employees or independent contractors, and the Occupational Safety and Health Act.

If MARAD determines that a recipient has failed to comply with applicable Federal requirements, MARAD may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

Federal prevailing wage rate requirements included in subchapter IV of chapter 31 of title 40, U.S.C., apply to all projects receiving funds under this program, and apply to all parts of the project, whether funded with PIDP grant funds, other Federal funds, or non-Federal funds.

## **b. Program Requirements**

### **(1) Climate Change and Sustainability**

Each applicant selected for PIDP grant funding must demonstrate an effort to consider climate change and sustainability impacts as described in Sections A and D. Projects that have not sufficiently considered climate change, sustainability, and environmental justice in their planning, as determined by MARAD, will be required to do so before receiving funds for construction, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). In the grant agreement, applicants will be required to certify that they have taken one or more of the actions identified in Section E.1.b.(1) or will be required to propose a new action that addresses climate change, sustainability, or environmental justice to be completed prior to obligation of funds.

### **(2) Equity and Justice<sup>40</sup>**

Each applicant selected for PIDP grant funding must demonstrate an effort to advance equity as described in Sections A and D. Projects that have not sufficiently considered equity in their planning, as determined by MARAD, will be required to do so before receiving funds for construction, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009) and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335). In the grant

agreement, applicants will be required to certify that they have taken one or more of the actions listed in Section E.1.b.(2), or will be required to propose a new action that addresses equity or Justice40 to be completed prior to obligation of construction funds.

### **(3) Workforce Development, Job Quality, and Wealth Creation**

Each applicant selected for PIDP grant funding must demonstrate an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of strong labor standards as described in Sections A and D. Projects that have not sufficiently considered job quality and labor rights, standards, and protections in their planning, as determined by MARAD, will be required to do so, to the full extent possible under the law, before receiving funds for construction, consistent with Executive Order 14025, *Worker Organizing and Empowerment* (86 FR 22829) and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335). PIDP funds may not be used to support or oppose union organizing.

### **(4) 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. Grant recipients will be expected to develop a Title VI program plan, a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards, and implement a Community Participation Plan (alternatively called a Public Participation Plan). MARAD's Office of Civil Rights is available to work with awarded grant recipients to ensure full compliance with Federal civil rights requirements. Recipients are encouraged to demonstrate that they have a plan in place that demonstrates action

to create an inclusive workplace environment with a commitment to equal opportunity and freedom from harassment.<sup>33</sup>

### **(5) Critical Infrastructure Security and Resilience**

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats, including threats to reliable PNT data such as spoofing and jamming of GPS. Each applicant selected for Federal funding under this notice must demonstrate, prior to the signing of the grant agreement, an 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 risk and resilience in their planning, design, and project oversight, as determined by the Department, will be required to do so before receiving funds for construction, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems.

Information on cybersecurity performance goals can be found at <https://www/cisa.gov/cpg>. These performance goals provide a baseline set of cybersecurity practices broadly applicable across critical infrastructure with known risk-reduction value, a benchmark for critical infrastructure operators to measure and improve their cybersecurity maturity, and a combination of recommended practices for IT and OT owners, including a prioritized set of security practices. Additionally, funding recipients must comply with 2 CFR 200.216 and the prohibition on certain telecommunications and video surveillance services or equipment.

### **(6) Federal Contract Compliance**

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<sup>33</sup> This could include provisions that prohibit unlawful discrimination against people with former justice involvement; efforts to prevent hostility and harassment based on race, color, religion, sex, sexual orientation, gender identity, national origin, and disability; training on anti-harassment and third-party reporting procedures, and robust anti-retaliation measures, covering employees and contractors.

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

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of Federally assisted projects over which OFCCP has jurisdiction and that have a project cost above \$35 million. MARAD will require project sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their MARAD award. Under that partnership, OFCCP will ask these project sponsors to make clear to prime contractors in the pre-bid phase that project sponsor's award terms will require their participation in the Mega Construction Project Program. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under "Scheduling" on the Department of Labor website: <https://www.dol.gov/agencies/ofccp/faqs/construction-compliance>.

### **3. Reporting**

This section of the notice provides general information about the reporting requirements that accompany PIDP grant funding. Potential applicants should review these requirements to ensure that they can satisfy them if they receive an award. A recipient's failure to timely submit required reports may result in termination of an award and a legal requirement for the recipient to return funding to MARAD.

**a. Progress Reporting on Grant Activities**

Each applicant selected for PIDP 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 PIDP.

**b. Performance Reporting**

Each applicant selected for PIDP grant funding must collect information and report on the project's observed performance with respect to the relevant long-term outcomes that are expected to be achieved through construction of the project. Performance indicators will include formal goals or targets for a period determined by MARAD. They will be used to evaluate and compare projects and monitor the results that grant funds achieve to the intended long-term outcomes of the PIDP. To the extent possible, performance indicators used in the reporting will relate to at least one of the merit criteria defined in Section E and to a benefit estimated in the BCA. MARAD expects that the level of performance will be consistent with estimates used in the applicant's BCA. Performance reporting continues for three years after project construction is completed, and MARAD does not provide PIDP grant funding specifically for performance reporting. For each project selected for award, MARAD, with input from the grant recipients, will identify the measures to be collected. Those measures and the reporting requirements will be formalized in the agreement obligating award funds for the project.

**c. Port Performance Reporting**

DOT is required to report annually on port performance (see Section 6314 of the FAST Act). To help DOT more accurately assess port performance, DOT may ask PIDP grant recipients to validate data DOT receives related to the project, particularly on cargo throughput. Data which DOT may ask the applicant to verify as a condition of award may include some or all of the following: total capacity of inbound and outbound cargo; total volume of inbound and outbound cargo; average number of lifts per hour of containers by crane; average vessel turn time by vessel type; average cargo or container dwell time; port storage capacity and utilization; modal throughput statistics, including rail and truck turn times; types of cargo moved; presence and location of intermodal connectors; physical size of the terminals within the port boundaries; maximum authorized channel depth and maximum actual/current channel depth; schedule of vessel arrivals (for use in determining vessel on-time performance); and berth utilization.

#### **d. 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 or DOT staff; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and subrecipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and

implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115-435 (2019) urges Federal awarding agencies and Federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency” (codified at 5 U.S.C. 311). 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).

**e. 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.



## **G. Federal Awarding Agency Contacts**

For further information concerning this notice please contact the PIDP staff via email at *PIDPgrants@dot.gov*, or call Wade Morefield at 202–366–6025. A TDD is available for individuals who are deaf or hard of hearing at 202–366–3993. In addition, DOT will post answers to questions and requests for clarifications at <https://www.maritime.dot.gov/PIDPgrants>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact MARAD with questions directly, rather than through intermediaries or third parties. MARAD may also conduct debriefs on the PIDP grants selection and award process upon request by unsuccessful applicants.

## **H. Other Information**

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

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

information that the applicant has marked in accordance with this section, DOT will follow the procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under Section 7.29 will be exempt from disclosure under FOIA.

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

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

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February 8, 2023

By Order of the Maritime Administrator