

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”)

AGENCY: Maritime Administration, DOT

ACTION: Notice of Funding Opportunity

SUMMARY: This notice solicits applications for Port Infrastructure Development Program (PIDP) grants. Funds for the Fiscal Year (FY) 2022 PIDP grant program will be awarded on a competitive basis to make grants for projects for coastal seaports, inland river ports, and Great Lakes ports. This notice announces the availability of \$450 million 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 requirements.

DATES: Applications must be submitted by 11:59 p.m. E.D.T. on May 16, 2022.

ADDRESSES: Applications must be submitted through [Grants.gov](https://www.grants.gov).

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, please contact the PIDP grant program staff via email at PIDPgrants@dot.gov, or call Aubrey Parsons at 202–366–8047. A TDD is available for individuals who are deaf or hard of hearing at 202–366–3993. In addition, the Department of Transportation (DOT) may post

answers to questions and requests for clarifications as well as information about webinars for further information at www.maritime.dot.gov/PIDPgrants.

SUPPLEMENTARY INFORMATION: Each section of this notice contains information and instructions relevant to the application process for the FY 2022 PIDP discretionary grants, and all applicants should read this notice in its entirety to prepare eligible and competitive applications. Some of the program criteria have been modified since the FY 2021 PIDP.

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A. Program Description

1. Background

American ports are cornerstones of the U.S. economy, supporting 30 million jobs and 26% of our economic output. However, a lack of investment in port infrastructure and the COVID-19 pandemic have strained ports' capacity and jeopardized global supply chains. Over the past year, American ports stepped up to provide record throughput as our economy recovered. But going forward, there is an urgent need to invest in American ports to strengthen our supply chains,

reduce prices and inflationary pressure, improve resilience, and help ensure we make goods here in America and export them to the world, rather than shipping jobs and production overseas.

In February of last year, the President issued Executive Order 14017, *America's Supply Chains* (86 FR 11849), calling on the Department of Transportation (“DOT” or “Department”) and other agencies to build resilient American supply chains. This Executive Order also called for a review of the transportation industrial base. As challenges at American ports, and throughout our supply chains, escalated, the President convened a supply chain disruption task force of key agencies, and appointed a Ports Envoy for focused efforts. As a result of this forward-thinking set of plans, the DOT solicited input from hundreds of industry stakeholders and conducted extensive internal analysis to develop a long-term vision for resilient transportation and logistics supply chains that move goods to the American people, bring industry home, and effectively support imports and exports.

The expectations of this notice reflect the vision of strengthening American supply chains. This vision is consistent with the President’s Port Action Plan, which calls for rapid action to relieve supply chain constraints at American ports through significant investments in the near, medium, and long term.¹

2. Program Overview

The PIDP was amended under Section 3513 of the National Defense Authorization Act for Fiscal Year 2022 (Pub. L. 117-81, December 27, 2021) (“NDAA”), and is now codified at 46 U.S.C. 54301. The statute authorizes DOT to establish a 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-

¹ The President’s Port Action Plan may be found here: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/09/fact-sheet-the-biden-harris-action-plan-for-americas-ports-and-waterways/>.

58, November 15, 2021) (“Bipartisan Infrastructure Law” or “BIL”) appropriated \$450 million to the PIDP for FY 2022 to make discretionary grants for eligible PIDP projects. This Notice of Funding Opportunity (“NOFO”) solicits applications for projects to be funded under the PIDP grant program. It includes the funding appropriated by the BIL and may include any additional funding appropriated in FY 2022 for PIDP under the annual appropriations act. If the annual appropriations act for FY 2022 increases funding for PIDP and/or significantly alters requirements for PIDP funds, DOT will amend this notice with guidance on any changes and additional requirements. The amended NOFO will be posted on Grants.gov, the PIDP website (<https://www.maritime.dot.gov/PIDPgrants>), and in the Federal Register.

In the three previous years that the program has made PIDP awards, these discretionary grant awards have supported 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.² FY 2022 PIDP grants continue to align with DOT’s strategic goals.³ The FY 2022 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, coordinate effectively with State, local, Tribal, and territorial governments, and

² See U.S. Department of Transportation Strategic Plan for FY 2018-2022 (Feb. 2018) at <https://www.transportation.gov/administrations/office-policy/dot-strategic-plan-fy2018-2022>.

³ See U.S. Department of Transportation Strategic Framework FY 2022–2026 (Dec. 2021) at <https://www.transportation.gov/administrations/office-policy/fy2022-2026-strategic-framework>.

support the Administration's Justice40 Initiative goal that 40% of the overall benefits from Federal investments in climate and clean energy flow to disadvantaged communities.

To maximize the value of FY 2022 PIDP funds for all Americans, DOT seeks projects that support the following program objectives: (1) improving the safety, efficiency, or reliability of the loading and unloading of goods, the movement of goods, operational improvements (including projects to improve port resilience), or environmental and emissions mitigation measures; (2) supporting economic vitality at the national and regional levels; (3) addressing climate change and environmental justice impacts; (4) advancing equity and opportunity for all; and (5) leveraging Federal funding to attract non-Federal sources of infrastructure investment. See Section A.4. for definitions of "port resilience" and "equity."

Consistent with these objectives, the Department seeks to fund projects that reduce greenhouse gas emissions and minimize impacts to the climate and surrounding communities from port operations. Specifically, the Department is looking to award funding for projects that align with the President's greenhouse gas reduction goals, incorporate electrification or zero emission infrastructure for vehicles and locomotives that service a port, increase a port's resilience to climate-related hazards, reduce pollution from port operations, and address environmental justice concerns, particularly for communities that disproportionately experience climate change-related consequences. Environmental justice, as defined by the Environmental Protection Agency, is 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. As part of the Department's implementation of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), the Department seeks to fund projects that, to the extent possible, target at least 40%

of resources and benefits towards low-income communities, Historically Disadvantaged Communities (as defined in Section A.4. of this NOFO), or overburdened communities.⁴ Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds. See Section F.2. of this NOFO for program requirements.

In support of Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009), 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 seeks to award projects under the FY 2022 PIDP that proactively address equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty, inequality, and barriers to opportunity, as well as to promote workforce opportunities in planning and project delivery. Examples of considerations that an applicant can undertake to address these priorities include incorporating an equity impact analysis into the project, adopting an equity and inclusion program/plan, documenting equity-focused community outreach and public engagement in the project's planning and project elements in underserved communities, supporting the creation of good-paying jobs with the free and fair choice to join a union, incorporating strong labor standards, promoting workforce opportunities in planning and project delivery, and partnering with training and placement programs that create opportunities for all workers, including underrepresented workers. Projects that incorporate such

⁴ Overburdened Community is a minority, low-income, tribal, or indigenous populations or geographic locations in the United States that potentially experiences disproportionate environmental harms and risks. This disproportionality can be as 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.

considerations are expected to support a strong economy and labor market. Sections D and E describe equity and workforce considerations and initiatives that an applicant can undertake, and that the Department will consider during the review of applications. Projects that have not sufficiently considered promoting equity and workforce opportunities, as determined by the Department, will be required to do so to the full extent possible under the law before receiving funds. See Section F.2. of this NOFO for program requirements.

3. Changes from the FY 2021 NOFO

The FY 2022 PIDP NOFO contains new program information and includes new program requirements based on provisions specified in 46 U.S.C. 54301, as amended by the NDAA, and the BIL.

The NOFO includes a new eligibility for projects that improve the safety, efficiency, or reliability of operational improvements, including projects to improve port resilience (as defined in Section A.4. of this notice). This eligibility emphasizes the importance of a port community's ability to prepare for, withstand, and recover from a broad range of external influences that have the potential to delay or disrupt port operations and therefore adversely impact our nation's supply chains. This eligibility also includes projects that improve port resiliency by addressing climate-related hazards such as sea-level rise, flooding, extreme weather events, earthquakes, and tsunami inundation. Moreover, 46 U.S.C. 54301(a)(6)(B), as amended by the NDAA, provides that the Secretary shall give substantial weight to a project's impact on port resilience. See Section D.2.e.(1) and Section E.1.d. of this NOFO for details.

The NDAA and the BIL also expanded the list of eligible projects to explicitly include projects that reduce or eliminate port-related criteria pollutant or greenhouse gas emissions. Section 3513(c) of the NDAA also allows the Secretary to make grants in FY 2022 to provide for

emissions mitigation measures that provide for the use of shore power for vessels to which sections 3507 and 3508 of title 46 apply, if such grants meet the other requirements set out in this notice. These are discussed in further detail in Section C.3. and Section D.2. of this NOFO.

The FY 2022 PIDP grant application evaluation process consists of an Intake Review Phase, a Technical Review Phase, and a Senior Review Phase. See Section E.2.a. of this NOFO for details.

Applicants who are planning to re-apply using materials prepared for prior competitions should ensure that their FY 2022 application fully addresses the criteria and considerations described in this notice and that all relevant information is up to date.

4. Definitions

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.

Equity: The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

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 been developing 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,⁵ Historically Disadvantaged Communities include (a) certain qualifying census tracts,⁶ (b) any Tribal land, or (c) any territory or possession of the United States. Additionally, DOT is providing a mapping tool to assist applicants in identifying whether a project is located in a Historically Disadvantaged Community (see footnote 20).

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

Large projects: 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.

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, cyber attacks, public health emergencies, or shortages/bottlenecks at key elements of the supply chain.

⁵ <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>.

⁶ DOT is providing a list of census tracts that meet the definition of Historically Disadvantaged Communities, which will be available on the PIDP website: www.maritime.dot.gov/PIDPgrants.

Rural area: An area located outside a 2010 Census-designated urbanized area.⁷

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 3 calendar years from the time an 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, DOT will use the status of the lead (eligible) applicant when determining whether the project is for a small port.

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.

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

5. Additional Information

Section E of this notice, which outlines FY 2022 PIDP grant selection criteria, describes the process for selecting projects that further the program’s goals. Section F.3. describes progress

⁷ A project located in both an urban and a rural area will be designated as *urban* if the majority of the project’s costs will be spent in urban areas. Conversely, a project located in both an urban 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.

⁸ Lists of 2010 UAs 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>. For the purpose of this NOFO, the definition of urban and rural is based on the 2010 Census-designated urbanized areas since urbanized areas have not been designated for the 2020 Census at the time of this NOFO publication. MARAD will use the following website to determine whether a project is in an urban or rural area: <https://tigerweb.geo.census.gov/tigerweb2020/>.

and performance reporting requirements for selected projects, including the relationship between these reporting requirements and the program’s selection criteria.

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.

B. Federal Award Information.

1. Amount Available

As provided for in the BIL, DOT intends to award up to \$450 million 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 notice will be amended if additional amounts become available for this program under the annual appropriations act for FY 2022. Additionally, 46 U.S.C. 54301(a)(7), as amended by the NDAA, directs that not less than 25% of the appropriated funds (\$112.5 million) shall be for projects meeting certain requirements described in this NOFO for “small projects at small ports.” The Maritime Administration (MARAD) will retain up to two percent (\$9 million) of the funds appropriated for necessary costs of grant administration as permitted under 46 U.S.C. 54301(a)(11). If MARAD does not receive sufficient qualified applications, it will award less than the amount available.

In addition to the FY 2022 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, DOT may publish additional solicitations.

2. Award Size

For funding awarded under the BIL, there is no minimum award size. 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 and 46 U.S.C. 54301 impose several restrictions on awards under this notice:

- Not more than 25 percent of the available funds (\$112.5 million) can be awarded for projects in any one State.
- Twenty-five percent of the available funds (\$112.5 million) is reserved for small projects at small ports awarded under 46 U.S.C. 54301(b), which are defined in Section A.4. of this notice, and no single grant award under 46 U.S.C. 54301(b) may be more than 10 percent (\$11.25 million) of this amount. Of the reserved amount, not more than 10 percent (\$11.25 million) 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 (\$33.75 million) 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.4. of this notice) that do not result in construction.

If any of these statutory requirements are changed by the annual appropriations act for FY 2022, DOT will amend this notice.

4. Availability of Funds

DOT seeks to obligate FY 2022 PIDP funds by September 30, 2025. Obligation occurs when a selected applicant and DOT 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 authorized by DOT in writing after DOT’s announcement of FY 2022 PIDP awards pursuant to 46 U.S.C. 54301(a)(10)(B) or 2 CFR 200.458, any costs incurred prior to DOT’s obligation of funds for a project (“pre-award costs”) are ineligible for reimbursement and are ineligible to count as match for cost share requirements.⁹ Per 46 U.S.C. 54301(a)(11)(B)(ii), DOT 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., DOT will consider a project’s likelihood to be ready for obligation of funds by September 30, 2025 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 in the PIDP program; 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 impact project benefits.

C. Eligibility Information

To be selected for a FY 2022 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 2022 PIDP discretionary grant is a port authority, a commission or its subdivision or agent under existing authority, a State or political subdivision

⁹ 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 DOT.

of a State or local government,¹⁰ an Indian Tribe,¹¹ 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 2022 PIDP.

If submitting a joint application, applicants must identify in the application the eligible lead entity as the primary point of contact and identify the primary recipient of the award. The applicant that 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.

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.h. for more information.

2. Cost Sharing or Matching

This section of the notice describes cost share requirements for a FY 2022 PIDP grant award. Per 46 U.S.C. 54301(a)(8), the Federal share of the costs for which an expenditure is made under a PIDP grant may not exceed 80 percent; however, the Secretary may increase the Federal share

¹⁰ 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.

¹¹ 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.

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 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.4. of this notice.

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, the sources of the non-Federal funds. Unless otherwise authorized by statute, State or local cost-share may not be counted as the non-Federal share for both the FY 2022 PIDP grant award and another Federal grant program.

Unless first approved by DOT in writing after award announcement, DOT will not consider previously incurred costs or previously expended or encumbered funds towards the matching 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), DOT may consider certain eligible pre-construction costs towards the matching requirement if incurred after the date of application submittal but before award announcement, and if the costs are clearly indicated in the budget included in the application and comply with all applicable Federal requirements. Matching 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 and 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.

In addition to these cost share requirements, cost share will be evaluated according to the “Leveraging Federal Funding” criterion described in Section E. Preference will be given to those projects that require a lower percentage Federal share of costs. See Section E.1.a.(3) for information on how DOT will evaluate leverage. That section explains that DOT seeks applications for projects that maximize the non-Federal share. See Section D.2.d. for information about documenting cost sharing in the application.

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, DOT will generally reduce the Federal contribution.

3. Other

a. Eligible Projects

Eligible projects for FY 2022 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.

For FY 2022, the Secretary may also make grants for emission mitigation measures that provide for the use of shore power for vessels to which sections 3507 and 3508 of title 46 apply, if such grants meet the other requirements set out in this notice.

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 2022 PIDP.

As required by Section 3501 of the NDAA, 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 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 development phase activities (such as planning, feasibility analysis, revenue forecasting, environmental review, permitting, and preliminary engineering and design work), in addition to port planning activities such as 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; however, DOT seeks projects that propose to move into the construction phase within the grant's period of performance. Accordingly, applications for only development phase activities will be less competitive than applications for capital grants.

Under the FY 2022 PIDP program, 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.

Refer to Section D.5, *Funding Restrictions*, for more information when determining eligibility.

b. Determinations

DOT must make the following determinations under 46 U.S.C. 54301(a)(6)(A) before selecting a project for award. Evidence that a project meets these determinations should be clearly indicated in the Project Narrative as outlined in Section D.2.h.

(1) The project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to the port. Refer to Section D.2.h. for what to include in the application, and to Section E.1.a. for how DOT will make this determination.

(2) The project is cost effective. DOT will determine a project is cost effective if it finds that the project's benefit-cost ratio is equal to or greater than one. Refer to Section D.2.h. for what to include in the application and to Section E.1.a. for how DOT will make this determination. This requirement does not apply to awards for small projects at small ports (i.e., awards made under 46 U.S.C. 54301(b)).

(3) The eligible applicant has the authority to carry out the project. Refer to Section D.2.h. for what to include in the application, and to Section E.2.b. for how DOT will make this determination.

(4) The eligible applicant has sufficient funding available to meet the matching requirements. DOT's determination of sufficient and available non-Federal matching funds will be based on the information provided in the project's Grant Funds, Sources, and Uses of Project

Funds section of the application (see Section D.2.d.). Refer to Section D.2.h. for what to include in the application, and to Section E.2.b. for how DOT will make this determination.

(5) The project will be completed without unreasonable delay. The application must demonstrate that the project will meet the timeline outlined in Section B.4. This eligibility requirement is separate from the Project Readiness selection criterion rating described in Section E.1.b. Refer to Section D.2.h. for what to include in the application, and to Section E.2.b. for how DOT will make this determination.

(6) The project cannot be easily and efficiently completed without Federal funding or financial assistance available to the project sponsor. DOT's determination will be based on the impacts to the project if Federal funding or financial assistance is unavailable for the project. Refer to Section D.2.h. for what to include in the application, and to Section E.2.b. for how DOT will make this determination.

c. 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. DOT 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). DOT may award funds for a component, instead of the larger project, if that component: (1) independently meets minimum award amounts described in Section B and all eligibility requirements described in Section C; (2) independently aligns well with the merit criteria specified in Section E; 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, Federal funding of some project components may make other project components that have not received Federal funding subject to Federal requirements as described in Section F.2.

DOT 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.

d. Application Limit

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

D. Application and Submission Information

1. Address to Request Application Package

Applications must 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 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.

DOT recommends that 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). 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 benefit-cost analysis, evaluators are not required to review supporting documents as part of the merit criteria review described in Section E. Supporting documentation should be dated, and DOT 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.¹²

¹² 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);

DOT 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: Project Readiness	See D.2.f.
Section VI: Domestic Preference	See D.2.g.
Section VII: Determinations	See D.2.h.

The Project Narrative should include the information necessary for DOT 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, and graphics, as appropriate, to make the information easier to review. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by DOT. DOT expects applications to be complete upon submission and will evaluate the application based on the information submitted. DOT may ask any applicant to supplement data in its application but is not required to do so. Lack of supporting information

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. There is no expectation that every application will include any or all of these documents and omission of any or all of these documents will not affect a project's rating.

provided with the application negatively affects competitiveness of the application, as described in Section E.2. DOT 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:

Field Name	Guidance
Name of applicant	
Is the applicant applying as a lead applicant with any private entity partners or joint applicants?	If yes, identify by name each of the private entities or joint applicants providing funding for the project.
What is the project name?	
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 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.
GIS Coordinates (in Latitude and Longitude format)	Provide the GIS coordinates of the approximate geographic center of the project.
Is this project in an urban or rural area?	Use the guidance in Section A.4. 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 or a Community Development Zone? (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.
Has the same project been previously submitted for PIDP funding?	Identify the program and year of the prior submission (such as “PIDP FY 2021”).
Is the applicant applying for other discretionary grant programs in 2022 for the same work or related scopes of work?	If so, identify the program, amount of funding requested and scope (such as RAISE FY 2022, \$25 million, components 1 and 2 of this PIDP project).
Has the applicant previously received TIGER, BUILD, RAISE, FASTLANE, INFRA or PIDP funding?	Identify the program and year of the prior submission (such as “INFRA FY 2021”).
PIDP Grant Amount Requested	Enter the total amount of PIDP grant funds requested.
Total Future Eligible Project costs	Enter the total amount of Future Eligible Project costs. This amount excludes previously incurred expenses. See Section C of the NOFO.

Field Name	Guidance
Total Project Cost	In general, Total Project Cost will be equal to the Total Future Eligible Project Cost. (If there are previously incurred expenses, Total Project Cost should be the sum of the previously incurred expenses and the Total Future Eligible Project Costs).
Total Federal Funding	Enter the amount of Federal funding from ALL sources that will be used for this project. (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

The first section of the application should provide a concise description of the project, the challenges that it is intended to address, and how it will address those challenges. If submitting a joint application, applicants should 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 entities as an attachment.

The project description should also provide both a high-level overview of the overall project and a clear itemization of its major components. This section may discuss the project’s history, including a description of any previously completed components. The applicant may use this section to place the project into a broader context of other transportation infrastructure investments being pursued by the project sponsor. Applicants should include a detailed statement of work that focuses on the technical and engineering aspects of the project, the current design status of the project, and describes in detail the project to be constructed. The project description should be sufficiently detailed so that the NEPA class of action can be determined without additional requests for information. This section should also focus on eligibility and technical

aspects of the project but should not directly address the selection criteria described in Section D.2.e. below.

c. Section II: Project Location

This section of the application should describe the project location, including a detailed geographical description of the proposed project, a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location. This section should also clearly identify whether the project is: located in a rural or urban area (as defined in Section A.4.); a project at a coastal, Great Lakes, or inland river port (as defined in Section A.4.); a small project at a small port (as defined in Section A.4.) seeking funding under 46 U.S.C. 54301(b); whether the project is located in a Historically Disadvantaged Community (as defined in Section A.4.), including the relevant census tract(s); and whether the project is located in a Federally-designated community development zone such as a qualified Opportunity Zone,¹³ Empowerment Zone,¹⁴ Promise Zone,¹⁵ or Choice Neighborhood.¹⁶ For projects that are located in a Federally-designated community development zone, the applicant must identify the zone and provide related identifying data (such as the Opportunity Zone number).

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

This section of the application should include a table with the PIDP project budget and a corresponding description of the budget so that reviewers can understand how grant funds and non-Federal funds are being used to complete the project. The budget should also include information about the degree of design completion on which the cost was estimated. The discussion should also indicate when the cost data in the budget was compiled and how it was

¹³ See <https://opportunityzones.hud.gov/>.

¹⁴ See https://www.hud.gov/hudprograms/empowerment_zones.

¹⁵ See https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz.

¹⁶ See https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn.

sourced. Except for a project seeking funding under 46 U.S.C. 54301(b), the budget should not include any previously incurred expenses that have or will be incurred prior to grant award announcement.¹⁷

At a minimum, this section should include a budget showing each source of funds and how each will be spent. The budget should show how each funding source will share in each major construction activity and present that data in dollars and percentages. Funding sources should be grouped into three categories: non-Federal; PIDP; and other Federal. If the project contains individual components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget detail should sufficiently demonstrate that the project satisfies the statutory cost-sharing requirements described in Section C.2. In preparing this section, applicants should also refer to the “Leveraging Federal Funding” merit criterion in Section D.2.e.(5). The budget should clearly identify any project expenses between the time of grant award announcement and obligation that the project sponsor intends to request approval from DOT 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.¹⁸ These pre-obligation costs must still comply with all Federal requirements, including NEPA. This section should also discuss the documentation of funding commitments for non-Federal funds to be used for eligible project costs. The discussion should reference (and

¹⁷ For a project seeking funding under 46 U.S.C. 54301(b), the project costs may include eligible costs incurred by the applicant between the date of application submittal and the date of award announcement as long as these costs are clearly indicated in the budget included in the application, comply with the PIDP administrative and national policy requirements described in Section F.2., and are for pre-construction activities. Costs incurred after award announcement but prior to the execution of a grant agreement will not be reimbursed or used to satisfy cost share requirements unless authorized in writing by DOT. See Section F.1.

¹⁸ Selection for a FY 2022 PIDP grant award does not constitute DOT approval of these costs. A recipient must apply to DOT after award announcement 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. DOT 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.

summarize) supporting documentation. Supporting documentation must be submitted as an appendix and clearly marked.

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, the application should describe that restriction. Complete information about project funds will ensure that DOT's expectations for award execution align with any funding restrictions unrelated to DOT, 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. Failure to document funding sources, as described above, or failure to address funding uncertainty may prevent DOT from making the determination at Section C.3.b.(4) necessary to select the project for an award.

e. Section IV: Merit Criteria

This section of the application should demonstrate how the project aligns with the criteria described in Section E.1 of this notice. DOT encourages applicants to address each criterion. The merit criteria include statutory criteria: achieving safety, efficiency, or reliability improvements; supporting economic vitality; and leveraging Federal funding, and merit criteria based on other DOT priorities: addressing climate change and environmental justice; advancing equity and opportunity for all.

Applicants are not required to follow a specific format, but the outline suggested addresses each criterion separately and promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, DOT 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 DOT will evaluate projects against the Selection Criteria is in Section E.1 of this notice. Applicants also should review that section before considering how to organize their application.

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

As discussed further below, all applications must clearly demonstrate how a proposed project would improve the safety, efficiency, or reliability of the movement of goods through a port. Providing this information will enable reviewers to make the statutory determination at 46 U.S.C. 54301(a)(6)(A)(i).

As a result of amendments to 46 U.S.C. 54301, eligible projects under this notice include those related to freight transportation that will be used to improve the safety, efficiency, or reliability of: the loading and unloading of goods at a port; the movement of goods into, out of, around, or within a port; operational improvements, including projects to improve port resilience; or, environmental or emissions mitigation measures. A project will be evaluated based on the extent to which it improves the safety, efficiency, or reliability of one or more of the project categories.

(a) Loading and unloading of goods at a port.

Projects focused on the loading and unloading of goods should improve capacity for freight movements at a port facility. Projects can include the purchase of permanently stationed marine terminal equipment, but the applicant should provide information explaining how this equipment will be used and why it should be considered permanent and stationary in nature. Examples of stationary infrastructure could include items such as conveyors, crane rail, dockside

lighting improvements, terminal expansions, crane automation infrastructure, and gate optimization equipment.

Applicants should provide a detailed summary of project components and describe how they will enhance the loading and unloading of goods. For a project to receive a high rating under this criterion, applicants should identify existing inefficiencies and desired improvements in the loading and unloading of goods. The application should include metrics to support expected improvements in the loading or offloading of goods, such as the volume of goods moved per hour or the number of vessels served per day. The narrative should also demonstrate how the proposed improvement will strengthen supply chains, including those at the regional or national level.

(b) Movement of goods into, out of, around, or within a port.

Movement of goods involves a project's demonstrated ability to enhance the efficiency, capacity, and reliability of systems used to transport freight. This project eligibility focuses on how goods are moved and differs from the statutory determination that assesses whether a project improves the movement of goods through a port or intermodal connection to a port. A wide range of potential projects could satisfy the required outcomes for movement of goods, such as projects that improve the speed, safety, or throughput of cargo movements at a port. For example, representative projects could include road or rail infrastructure, intermodal facilities, freight intelligent transportation systems, and digital infrastructure systems. A project that enhances the movement of goods will demonstrate how the proposed improvements would benefit the daily operations of the port and strengthen the facility's role within the larger regional or national supply chains and improves coordination across the entire goods movement chain.

To document a project's impact on the movement of goods, the applicant should provide valid and relevant metrics that demonstrate improvements that the proposed project would generate. For example, when documenting improvements in system capacity, an applicant might include metrics such as the area or capacity of a cargo laydown facility to be improved as the result of a proposed project. Similarly, improvements in operational efficiency might be documented through metrics such as a reduction in vessel or vehicle dwell or idling times, which may also have environmental benefits. Metrics related to cargo throughput could also be included, such as information that documents how the project supports the deployment of wind energy components or metrics on the project's impact on agricultural exports.

(c) Operational improvements, including projects to improve port resilience.

The United States needs resilient, diverse, and secure supply chains to ensure our economic prosperity and national security. Ports are key components of our national supply chains. Consistent with Executive Order 14017, *America's Supply Chains* (86 FR 11849), the Department seeks to fund projects that improve the resilience of port operations to enable ports to better anticipate, prepare for, withstand, respond to, and recover from natural or human-made disruptions. Operational improvements are projects that address freight-related aspects of activity at a port but do not necessarily involve the handling or movement of cargoes. Operational improvements include warehouses, silos, cargo laydown areas, loading dock structures, and other infrastructure that support freight operations. They also include projects related to port resilience, including projects that will enable a port to adapt to unexpected events such as sudden changes in capacity or throughput requirements caused by natural or human-made hazards, such as sea level rise, flooding, earthquakes, hurricanes, tsunami inundation or other extreme weather events, as well as supply chain bottlenecks/shortages, cyber attacks, terrorist attacks, or public health

emergencies. Examples of such projects can include, but are not limited to, projects that elevate critical port infrastructure, increase the capability of the port to withstand increasing precipitation (such as stormwater management projects), and enhance natural infrastructure to help manage climate change hazards. Since port resilience consists of two components – human-made hazard resilience and climate-related/natural hazard resilience – projects that facilitate cybersecurity, emergency response and recovery, data and information exchange across the goods movement chain also potentially improve the resilience of port operations. Freight data exchange projects should focus on key coordination points and consider leveraging existing data standards. They should also include the development of mutually beneficial data products to be openly shared with a wide range of supply chain stakeholders while protecting participants’ confidentiality.

Applications seeking funding for these types of projects must include a specific description of the operational improvements and how, specifically, they will improve freight-related resilience and the ability to operationally plan and coordinate across the goods movement chain. The application must identify the critical goods and materials the project will benefit, what measures the port currently uses to measure port resilience, and how specifically the project will improve the state of resiliency of port operations, including the types of events and operational disruptions that the port could be prepared to meet following implementation of a project.

General statements without supporting documentation or analysis will result in a lower rating (see Section E of this notice). The application should, as part of this discussion, identify features the applicant will incorporate into the project and highlight specific benefits of the project (such as indicators of improved efficiency and reliability like reduced vessel and truck turn times; enhancements to or increases in system capacity; improved connectivity; decreases in the number, rate, and consequences of transportation-related accidents, serious injuries, and

fatalities; or impacts on supply chains, including metrics that demonstrate how the project will strengthen resiliency).

(d) Environmental and emissions mitigation measures.

The BIL provides that projects that reduce or eliminate port-related criteria pollutant or greenhouse gas emissions are eligible for funding such as those discussed in Section C.3.a.(IV) above. These include infrastructure, training, and equipment replacement projects.

Applications seeking funding for these types of projects must include a specific description of the project components and how the components advance the goal of reducing or eliminating port-related pollutants. The application must include specific benefits of the project, including quantifiable impacts on emissions or environmental conditions (such as how the project reduces impacts on overburdened communities). General statements without supporting documentation or analysis will result in a lower rating (see section E of this notice).

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

(a) Large Projects. For large projects (as defined in Section A.4.), this criterion will measure the quantified benefits against the costs of the project. Among otherwise comparable applications, DOT will prioritize projects that maximize net benefits.

This portion of the application should describe the anticipated benefits of the project. The applicant should summarize the conclusions of the benefit-cost analysis, including estimates of the project's benefit-cost ratio and net benefits. The applicant should also describe economic impacts and other data-supported benefits that are not included in the benefit-cost analysis, such as the impact of the project on users of the transportation system; how the project supports American industry; and how the project impacts port resilience, including how the project addresses identified gaps in capabilities and reduces or eliminates points of failure.

This paragraph describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) as an appendix to the Project Narrative. The BCA itself should be provided as an appendix to the Project Narrative, but the results of the analysis should also be summarized in the Project Narrative directly.

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 benefit-cost ratio 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, 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 Excel) 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. A link to DOT's guidance will be available on the PIDP website.

(b) Small Projects at Small Ports. For small projects at small ports (as defined in Section A.4.), this criterion will assess 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. Applications for funding for small projects at small ports are not required to submit a benefit-cost analysis.

The economic advantage of a port includes factors such as superior logistics, the availability of large spaces or capacity, proximity to rail and highways, ample truck parking, decreased traffic congestion, and economic incentives. Information related to a project's impact on economic advantage must 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 access for labor, resources, and customers. Regarding economies of scale, the applicant must show, by providing valid and relevant metrics or analysis, that the average, or per unit, cost of the project's component(s) subject to an increase in scale will decrease (or at least not increase). 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 port having an absolute cost advantage due to port location, a large minimum scale of operation, or switching costs; or the applicant's port having natural constraints to its capacity. The applicant could show how the project intends to overcome those barriers, by enhancing the appeal of the port's location, broadening narrow channels or lengthening short ones, offering bundled services, or investing in spatial and functional networks. Regarding the increased efficient access of labor, resources, and customers, the applicant must show, where applicable, that the project will improve the physical access for employees, customers, and resources to and around the port; will create larger pools of potential employees; and will address equitable opportunities for hiring and promotion within the port.

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 port 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" is broader than cargo throughput. Therefore, narratives should address how projects will positively impact,

or correct, systemic issues, including making improvements to security and expanding diversity in ways that, without the proposed project investments, would not be possible. Increasing cargo throughput does not necessarily mean that it also impacts resilience. Thus, applicants should demonstrate in their project narratives that they understand that improving resilience requires more than simply improving the economic advantage of a port. Resilience is the mechanism that allows a port to adapt and recover from disruptions while maintaining operations. Resilience applies to physical, social (e.g., pandemic), environmental, and economic shocks. Examples of adaptive resilience include, but are not limited to, traffic diversion strategies, enhanced enforcement of hazardous material handling, investment in information technologies, and relocation of terminal facilities to lower-risk areas.

The consideration of sustainable development strategies in project development and execution should also be addressed, if applicable. Examples of sustainable development strategies include, but are not limited to, a climate action plan or an energy baseline study. Port sustainability consists of business strategies and activities that meet the current and future needs of the port and stakeholders while protecting and sustaining human and natural activities. Examples of projects that promote sustainability include, but are not limited to, projects promoting energy efficiency and serving the renewable energy supply chain.

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. For example, the application could provide information on elements of competitive disadvantage specific to the port (such as technology limitations or a port's geography) and explain how PIDP funding will help reduce or ameliorate those elements (such as by correcting the element resulting in the competitive disadvantage). The application could

also identify how a PIDP-funded project's values-based approach (such as an emphasis on respect for people and the environment or commitment to expanding individual economic opportunities) will address the competitive disadvantage of the port. 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. Examples include, but are not limited to, developing and supporting land use and infrastructure policies that promote a robust and diverse employment base, acquiring and/or developing real estate to support marine trade activity of the port and region, or creating a partnership with regional organizations, local educational institutions, vocational schools, or universities to facilitate career development and business growth.

The applicant should also describe economic impacts and other data-supported benefits, such as how the project creates good-paying jobs that provide the free and fair choice to join a union, how the project will support American industry, and how the project will benefit local and regional economies such as through the use of project labor agreements and project-related initiatives that reduce disparities in economic opportunities.

The applicant should also consider that some members of society, other than direct stakeholders (such as shippers, carriers, and consignees), may be impacted by a port infrastructure development or planning project. The applicant must particularly consider where negative externalities disproportionately impact low-income communities, Historically

Disadvantaged Communities, or overburdened communities. The applicant must therefore address, where applicable, the impact(s) of the negative and positive externalities of the project. The applicant's narrative must explain how the project intends to remedy negative externalities, such as by eliminating or minimizing air, noise, and water pollution and destruction to vegetation and wildlife caused by port operation and freight transportation, or eliminating displacement of existing housing and businesses; and also, where applicable, how a project will promote positive externalities through activities an applicant is undertaking outside of the grant project, such as by constructing or renovating promenades and waterfront recreational areas.

(3) Section C: Addressing Climate Change and Environmental Justice Impacts

The Department seeks to fund projects under PIDP that proactively consider climate change and align with the President's greenhouse gas reduction goals, promote energy efficiency, and increase the climate resilience of port infrastructure. As part of the Department's implementation of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), DOT also seeks to fund projects that address environmental justice, particularly for communities that disproportionately experience climate change-related consequences.

This section of the application should demonstrate whether (and how) the project has incorporated climate change and environmental justice in planning and policy and/or project design components. To address the planning and policies element of this criterion, the application should describe what specific climate change or environmental justice activities have been completed for the project. 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 Disadvantaged Census Tract tool or

EPA's EJSCREEN have been incorporated into the project.¹⁹ The applicant should also provide a public involvement plan demonstrating meaningful engagement of the community affected by the project, to include environmental justice communities or disadvantaged communities, where applicable.

To address the design component element of this criterion, the application should describe specific and direct ways that the project will mitigate or reduce climate change impacts. This may include a description of how the project incorporates multimodal infrastructure to reduce climate impacts (such as by ensuring that cargo is moved by the most climate-efficient/friendly mode of transportation). This section may also describe ways that the project reduces emissions or uses technology to increase energy efficiency, incorporates resiliency measures for disaster preparedness and mitigation; or how it will be constructed consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law. See Section E.1.a.(4) for additional information related to evaluation of this criterion.

(4) Section D: Advancing Equity and Opportunity for All

This section of the application should include sufficient information to evaluate how the project will (1) advance equity and (2) promote workforce opportunities. The applicant should indicate which (if any) planning and policies related to equity and workforce opportunities they are implementing or have implemented along with the specific project investment details. For example, the applicant should describe: how the project incorporates an equity impact analysis; how the project adopts an equity and inclusion program/plan or implements equity-focused policies related to project procurement, material sourcing, construction, inspection, or other

¹⁹ Information on DOT's Disadvantaged Census Tract tool (Transportation Disadvantaged Census Tracts) 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/>.

activities designed to ensure rapid equity in the overall project delivery and implementation; documentation of equity-focused community outreach and public engagement in the project's planning and project elements, particularly for underserved communities; how the project creates good-paying jobs that offer the free and fair choice to join a union to the greatest extent possible; the applicant's use of demonstrated strong labor standards, practices, and policies (including for direct employees, contractors, and sub-contractors); the use of project labor agreements; the use of registered apprenticeships; the distribution of workplace rights notices; or, the use of other similar strong labor standards or practices. The applicant should also address any worker training initiatives, the purpose and scope of the training, whether it is being conducted in partnership with labor organizations, how it will benefit workers that are currently underrepresented in relevant jobs, including women, people of color, people with disabilities, people with criminal records, and other groups that face systemic barriers to employment, and the anticipated socioeconomic benefits of the initiative. For example, training initiatives could be addressed through linkage agreements with workforce programs that serve these underrepresented groups and proactive plans to prevent harassment.

Any policies, plans, and outreach documentation related to advancing equity or promoting workforce opportunities should be briefly discussed and provided as an appendix to the Project Narrative.

(5) Section E: Leveraging Federal Funding to Attract Non-Federal Sources of Infrastructure Investment

While the Leveraging 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 DOT's understanding of the project sponsor's effort to improve non-Federal leverage.

f. Section V: Project Readiness

During application evaluation, DOT will consider project readiness to assess the likelihood of a successful project. In that analysis, DOT will evaluate two categories of project readiness: Technical Capacity and Environmental Risk. Technical Capacity will assess the applicant's experience working with Federal agencies, previous experience with PIDP, BUILD, or INFRA awards, and the technical experience and resources dedicated to the project. This section of the narrative should include information on the project schedule and a discussion of project risk. Risks do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks or with a risk mitigation plan is more competitive than a comparable project with unaddressed risks. Environmental Risk analyzes the project's environmental approvals and likelihood of the necessary approvals affecting project obligation. To minimize redundant information in the application, DOT encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

(1) A: Technical Capacity

The applicant should provide information demonstrating 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. 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. 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.

(2) B: Environmental Risk

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 grant award announcement. 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 Historical

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. Right-of-way acquisition plans should be provided, if applicable.

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 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,²⁰ indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local requirements, and when such approvals are expected. Applicants should provide a website link or other reference to copies of any reviews, approvals, and permits prepared.

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.

(3) C: 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.

PIDP planning grant applicants should describe their capacity to successfully implement the proposed activities in a timely manner.

g. Section VI: Domestic Preference

²⁰ 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.

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 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 PIDP's domestic content requirements. See Section E.1.c. The Department expects all PIDP applicants to comply with the domestic content requirements without needing a waiver. However, this section should also include an assessment of what, if any, iron, steel, manufactured products, and construction materials would require a waiver of the domestic content provisions described in Section F.2 of this notice and the applicant's current efforts and planned future efforts to maximize domestic content. 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, which are often available from foreign manufacturers. As described in Section E.1.c., failure to address domestic content-compliance can affect whether an application is considered competitive for award and may prevent an award.

h. Section VII: 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 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.

Project Determination	Guidance
<p>1. The project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to the port.</p>	<p>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.</p> <p>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.).</p> <p>If the project has multiple independent components, please provide sufficient information to describe the impact of each component on the overall project.</p>
<p>2. The project is cost effective.</p>	<p>Please highlight the results of the benefit-cost analysis, as well as the analyses of independent project components, if applicable.</p> <p>The Department will base its determination on the ratio of project benefits to project costs</p>

	<p>as assessed according to the Economic Vitality criterion.</p> <p>Note: This determination is not applicable to small projects at small ports.</p>
<p>3. The eligible applicant has the authority to carry out the project.</p>	<p>Please provide citations of authority or other supporting documentation necessary to establish an applicant’s authority to carry 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. 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 program evaluators.</p>
<p>5. The project will be completed without unreasonable delay.</p>	<p>Please provide expected obligation date²¹ 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</p>

²¹ 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.

	<p>to show that each component meets this requirement.</p> <p>DOT will base its determination on the project risk rating assessed as part of the evaluation of the Project Readiness criterion.</p>
<p>6. The project cannot be easily and efficiently completed without Federal funding or financial assistance available to the project sponsor.</p>	<p>Describe the potential negative impacts on the proposed project if the PIDP grant (or other Federal funding) is not awarded. The applicant must address each of the following in the narrative:</p> <ol style="list-style-type: none"> 1. How would the project scope be affected if PIDP (or other Federal) funds were not received? 2. How would the project schedule be affected if PIDP (or other Federal) funds were not received? 3. How would the project cost be affected if PIDP (or other Federal) funds were not received? <p>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</p>

	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.
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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.

DOT may not make a FY 2022 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 DOT is ready to make a PIDP grant award, DOT 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. Applications must be submitted by 11:59 p.m. E.D.T. on May 16, 2022. The funding opportunity on Grants.gov will open by February 28, 2022. Please note that the Grants.gov registration process usually takes 2-4 weeks to complete and that DOT 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.

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 2022 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.

DOT will not consider previously incurred costs or previously expended or encumbered funds towards the matching requirement for any project prior to grant award announcement, 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 DOT after grant award announcement 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. To apply through Grants.gov, applicants must:

- (1) Obtain a Unique Entity Identifier²² (UEI) number.
- (2) Register with the System for Award Management (SAM) at 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 DOT 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.

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

²² On April 4, 2022, the Federal government will stop using the Data Universal Numbering System (DUNS) number to uniquely identify entities. At that point, entities doing business with the Federal government will 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.

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

- (1) Details of the technical issue(s) experienced.
- (2) Screen capture(s) of the technical issues(s) experienced along with corresponding Grants.gov "Grant tracking number."
- (3) The "Legal Business Name" for the applicant that was provided in the SF-424.
- (4) The AOR name submitted in the SF-424.
- (5) The Unique Entity Identifier number associated with the application.
- (6) The Grants.gov Help Desk Tracking Number.

To ensure a fair competition for limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the various registration processes before the deadline; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its website; (3) failure to follow all instructions in this notice of funding opportunity; and (4) technical issues experienced with the applicant's computer or information technology environment. After DOT reviews all information submitted and contacts the Grants.gov Help Desk to validate reported technical issues, DOT staff will contact late applicants to approve or deny a request to submit a late application through *Grants.gov*. DOT will not accept appeals of DOT's decision to approve or deny a request for a late application. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

- 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. Application Review Information

This section identifies the criteria that DOT will use to evaluate applications received for FY 2022 PIDP grant funding. The criteria incorporate the statutory requirements for this program, which are identified in this notice. The criteria also include Departmental priorities (climate change and environmental justice and equity and promoting workforce opportunities). As provided for in 46 U.S.C. 54301, the Secretary will also give substantial weight to the utilization of non-Federal contributions (leverage), economic vitality (including the net benefits of the funds awarded under the program, considering the cost-benefit analysis of the project, as applicable), and the port's resilience as a result of the project.

1. Criteria

a. Merit Criteria

The review assesses a project's alignment with the program's statutory criteria: achieving safety, efficiency, or reliability improvements; supporting economic vitality; and leveraging Federal funding. It also assesses a project's alignment with the merit criteria that are based on DOT priorities: addressing Climate Change and Environmental Justice; Advancing Equity and Opportunity for All. For each merit 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. Ratings for merit criteria will not be combined into a composite score. See Section E.2. for more information on the Review and Selection Process.

(1) Achieving Safety, Efficiency, or Reliability Improvements

DOT will evaluate the extent to which the project will improve the safety, efficiency, or reliability of: the loading and unloading of goods at a port; the movement of goods through a port or intermodal connection to a port; operational improvements, including projects to improve port resilience; or, environmental or emissions mitigations measures. To evaluate this criterion, reviewers will assess the discussion in the application that describes how the project improves the safety, efficiency, or reliability of one or more of the four project categories identified in Section D.2.e.(1) and the discussion of how the project improves or has the potential to improve or strengthen supply chains. In addition, for small projects at small ports, the reviewers will evaluate the degree to which a project would promote the enhancement and efficiencies of a port.

Reviewers will assign a rating of “high,” “medium,” “low,” or “non-responsive” based on their assessment. To receive a “high” rating, a project must produce significant improvements in safety, efficiency, and reliability.²³ In addition, the project must significantly strengthen supply chains, as demonstrated through measurable improvements at the port and in the goods movement chain external to the port.²⁴ To receive a “medium” rating, a project must significantly improve two of the following: safety, efficiency, or reliability. In addition, the project must have a documented positive impact on strengthening supply chains. To receive a “low” rating, a project must significantly improve at least one of the following: safety, efficiency, or reliability and it must have the potential to positively impact the supply chain. A project that, based on the reviewers’ assessment of the content of the application, does not

²³ An improvement is significant if it: improves safety, efficiency, and reliability; 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.

²⁴ A project significantly strengthens a supply chain if it: strengthens the supply chain against both human-made and naturally occurring events; produces measurable improvements at the port and in the goods movement chain external to the port; and is well supported by documentation in the application.

demonstrate that it will significantly improve any of 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. DOT will consider the costs and benefits of large projects (as defined in Section A.4.) seeking PIDP funding. To the extent possible, DOT will rely on quantitative, data-supported analyses to assess how well a project addresses this criterion, including an assessment of the project’s estimated benefit-cost ratio and net benefits based on the applicant-supplied BCA described in Section D.2.e.(2). Reviewers will consider, as part of their analysis, the project’s positive contribution to port resilience.

Based on DOT’s assessment, DOT will group projects into ranges based on their estimated benefit-cost ratios (BCR) and assign a level of confidence associated with each project’s assigned BCR rating. DOT will use these ranges for BCR: less than 1.0; 1.0–1.5; 1.5–3.0; and greater than 3.0. Numbers over 1 indicate that the project’s benefits exceed its costs. The Secretary will consider the net benefits of the funds awarded when selecting projects. Net benefits are calculated by comparing a proposed project’s benefits with the full cost of developing, constructing, operating, and maintaining the project. Projects with higher net benefits (that is, higher BCR ratings as determined by DOT reviewers) will be more competitive than ones with lower net benefits. In addition to these quantitative ranges, DOT will assess the level of confidence associated with each project’s assigned BCR ratings as either “high,” “medium,” or “low.” “High” indicates a relatively high degree of confidence in the assigned rating; “medium” indicates a moderate degree of confidence in the assigned rating; and “low”

indicates a relatively low degree of confidence in the assigned rating. Confidence ratings may be used to help prioritize projects for the follow-up described in Section E.2.c. of this notice.

(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). DOT 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. DOT will also consider the competitive disadvantage of the port seeking the funding. As part of their assessment of a project's contribution to freight transportation, reviewers will consider a project's impact on port resilience to supply chain disruptions. In making this assessment, DOT will consider all relevant information provided by the applicant.

Based on the reviewers' assessments, DOT will group projects according to their impacts. A "high" impact project is one for which documentation submitted by the applicant indicates that the project 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. The project must also significantly improve port resilience, as demonstrated through measurable improvements. A "medium" impact project is one for which documentation submitted by the applicant indicates will improve two of the factors identified above. The project must also have a positive impact on port resilience. A "low" impact project is one for which 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 or it does not have the potential to improve port resilience.

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

Investment

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

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

The project's non-Federal leverage percentage will be calculated based on the best available information provided by the applicant. In cases in which the ultimate source of the funding is unclear, the funding will be treated as Federal for the purposes of this calculation.

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 and 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) Addressing Climate Change and Environmental Justice Impacts

After applying the above statutory criteria, and in support of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), DOT will give priority to projects that address climate change and environmental justice impacts.

DOT encourages applicants to (1) consider climate change and environmental justice in project planning efforts and (2) to incorporate project elements dedicated to mitigating or reducing the impacts of climate change. The project will be assigned a Climate Change and Environmental Justice rating based on how it addresses these areas. Reviewers will assign a rating of “high,” “medium,” “low,” or “non-responsive” based on their assessment. Applications that incorporate climate change and environmental justice in both planning activities and specific project elements will receive a high rating. To receive a high rating, a project must have incorporated climate change and environmental justice in planning activities and the project elements reduce emissions from port operations, the benefits of which accrue to overburdened or disadvantaged communities. Applications that incorporate both climate change and environmental justice in planning activities or project elements, will receive a medium rating. Applications that incorporate climate change or environmental justice, but not both, in planning activities or project elements, will receive a low rating. Applications that address this criterion in neither planning activities nor project elements will receive a non-responsive rating. In addition, projects which will have a negative effect on either climate change or environmental justice will receive a non-responsive rating.

Applicants intending to address the project components portion of the Climate Change and Environmental Justice criterion should describe how they meet at least one of the following options: the project supports a multimodal shift in freight movement that reduces the net emissions; the project incorporates electrification infrastructure, zero-emission vehicle

infrastructure or both (such as charging stations for electric port equipment); the project utilizes one or more demand management strategies to reduce congestion and greenhouse gas emissions; the project promotes energy efficiency (such as through a reduction in vessel dwell time or use of cold ironing technology); the project improves disaster preparedness and resiliency; the project will be constructed consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law; the project supports bringing existing idle or dilapidated infrastructure that is currently causing environmental harm into a state of good repair (such as brownfield redevelopment); or the project supports or incorporates the construction of energy-efficient buildings.

(5) Advancing Equity and Opportunity for All

In support of Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009), 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), DOT will give priority to projects that advance equity and promote fairness and opportunity.

DOT will evaluate whether the project includes planning activities and actions to advance equity and promote workforce opportunities as described in Section D.2.e.(4). Reviewers will assess how an applicant's planning efforts and the project components support: (a) equity-focused policies and initiatives related to planning and project delivery; (b) labor standards and the choice to join a union; (c) investments in workforce development efforts for underrepresented populations; and (d) comprehensive planning and policies to promote hiring of underrepresented populations. Reviewers will also 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, strong labor standards, project labor agreements, or provisions for distribution of workplace rights notices. Reviewers will also consider what project-related investments and policies applicants have in place to support high-quality workforce development programs, including registered apprenticeships and supportive services to help train, place, and retain people in good-paying jobs. Reviewers will also assess how project planning and policies provide opportunities for all workers and promote inclusion for all groups of workers including women, people of color, people with disabilities, people with criminal records, and other groups facing systemic barriers to employment.

Reviewers will assign ratings to projects based on how comprehensively a project addresses equity and workforce opportunity considerations. To receive a high rating, a project must robustly include components from each of the following areas—equity-focused policies and related project initiatives, labor standards, support of workforce training and placement efforts for underrepresented populations, and planning and policies to promote hiring of underrepresented populations. To receive a medium rating, projects must robustly include components from at least two of the 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 workforce development.

b. Project Readiness

(1) Technical Capacity

DOT 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.

c. 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. The Department expects all applicants to comply with the domestic

preference compliance requirements of PIDP. 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 (Pub. L. 117-58, Division G, Title IX, Subtitle A, November 15, 2021) will be less competitive than projects that comply with those requirements. Among otherwise comparable applications that require waivers, an application that presents an effective plan to maximize domestic content will be more competitive than one that does not. DOT will consider whether a waiver of the domestic content provisions will be necessary to complete the project but will not award projects that likely need a waiver but present no 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 exemption; 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.

d. Additional Considerations

(1) Historically Disadvantaged Community and Community Development Zones

DOT will consider whether a project is located within a Historically Disadvantaged Community or a Federally designated community development zone (a qualified opportunity zone, Empowerment Zone, Promise Zone, or Choice Neighborhood). Applicants must specify in their narrative which zone (or zones) the project is in and provide sufficient identifying information (such as the Opportunity Zone tract number) so that reviewers can verify the claim.

A project located in a Historically Disadvantaged Community or a Federally designated community development zone is more competitive than a similar project that is not. The Department will rely on applicant-supplied information to assist in making this assessment and will only consider this if the applicant expressly identifies the designation in their application.

(2) Port Resilience

As provided in 46 U.S.C. 54301(a)(6)(B), 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-related events and human-made emergencies and that has significant supply chain system impacts will receive a high rating. A project will receive a medium rating if it: significantly advances resilience to either weather-related or human-made emergencies and results in positive impacts on the supply chain; or advances resilience to both weather-related or human-made emergencies and results in positive impacts on the supply chain. Projects that advance a port's resilience to either weather-related events or human-made emergencies but that do not demonstrate important supply chain impacts will receive a low rating. Applications that do not advance a port's resilience or that has a negative effect on it will receive a non-responsive rating. Projects with higher ratings will be more competitive.

2. Review and Selection Process

a. Review Process

The FY 2022 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, DOT 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 criteria: achieving safety, efficiency, or reliability improvements; addressing climate change and environmental justice impacts; advancing equity and opportunity for all; and port resilience.

After that initial review, projects will be presented to a first meeting of the SRT. The SRT will decide which projects will move forward in the process for additional review. The SRT will primarily base its decision on how well a project meets the statutory selection criteria of achieving safety, efficiency, or reliability. The SRT's decision will also be based on the project's rating on addressing climate change and environmental justice impacts; advancing equity and opportunity for all criteria. A project that aligns poorly with the Department's priorities related to climate change, environmental justice, equity, or workforce opportunities 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 this first review, the SRT will also consider a project's location (including whether it is located within a Historically Disadvantaged Community or a Federally designated Community Development Zone) and the resilience of the port as a result of the project.

During this additional review, advanced projects will be reviewed for their alignment with the following criteria: supporting economic vitality, leveraging Federal funding, project readiness, statutory determinations, and compliance with the program's domestic preference requirements.

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 criteria described in Section E.1.

b. Determinations

DOT must make the following determinations under 46 U.S.C. 54301(a)(6)(A) prior to award selection. Refer to Section D.2. for what to include in the application. First, DOT must determine that the project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to a port. If the application demonstrates that the project will positively improve the movement of goods, the project will satisfy the determination listed under Section C.3.b. Second, DOT must determine that the project is cost effective. For applications that seek funding for projects under 46 U.S.C. 54301(a) and that DOT finds will have a BCR greater than or equal to 1.0, the project will satisfy the determination in Section C.3.b.(2). For applications that seek funding for projects under 46 U.S.C. 54301(b), the project will not be required to satisfy the determination in Section C.3.b.(2). Third, DOT must determine that the applicant has the authority to carry out the project. If the narrative demonstrates that the applicant has the authority to carry out the project by providing citations of authority, or other supporting documentation with the application, the project will satisfy the determination outlined in Section C.3.b.(3). Fourth, DOT must determine that the applicant has sufficient funding to

meet the matching requirements. In assessing the availability of the proposed non-Federal financial commitments, DOT will consider the degree to which financing sources are dedicated to the proposed purposes and are highly likely to be available within the proposed project schedule. If the application narrative and project budget demonstrate that the applicant has sufficient funding available to meet the matching requirements, the project will satisfy the determination outlined in Section C.3.b.(4). Fifth, DOT must determine that the project will be completed without unreasonable delay. If the application narrative and project schedule demonstrate that the project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project (that is, the date of a grant agreement) and that it will be fully completed within five years of obligation, the project satisfies the determination outlined in Section C.3.b.(5). Sixth, DOT must determine that the project cannot be easily and efficiently completed without Federal funding or financial assistance. DOT will evaluate how well the narrative demonstrates that the project cannot be easily and efficiently completed without Federal funding or financial assistance available to the project sponsor. If applications sufficiently describe the impacts on the project of Federal funding or financial assistance being unavailable for the project, and show the project cannot be easily or efficiently completed without such assistance, the project will satisfy the determination outlined in Section C.3.b.(6).

c. Follow-up with Applicants

DOT 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, DOT 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. DOT

will use email when seeking additional information from an applicant. DOT will send the email to the point(s) of contact listed by the applicant on the Application for Federal Assistance, 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. DOT 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. DOT 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, DOT will announce awarded projects by posting a list of selected projects at 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 award announcement 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

DOT will determine the period of performance for each award based on the specific project that was evaluated and selected. DOT 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 DOT until September 30, 2032 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 2022 PIDP Exhibits and General Terms and Conditions will be similar to the FY 2021 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 authorized by DOT in writing after DOT’s announcement of FY 2022 PIDP awards, any costs

incurred prior to DOT's obligation of funds for a project ("pre-award costs") 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, 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 DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

The recipient shall award each contract or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, or related services with respect to the project in the same manner that a contract for architectural and engineering services is negotiated under the Brooks Act, 40 U.S.C. 1101-1104, or an equivalent qualifications-based requirement prescribed for or by the recipient and approved in writing by DOT.

Additionally, 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 Environmental Justice Impact Consideration

Each applicant selected for PIDP grant funding must demonstrate an effort to consider climate change and environmental justice impacts as described in sections A and D. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds 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 activities identified in Section E.1.a.(4), or will be required to propose a new activity that addresses climate change and environmental justice to be completed prior to obligation of funds.

(2) Advancing Equity and Opportunity for All

Each applicant selected for PIDP grant funding must demonstrate an effort to advance equity as described in Section D. Projects that have not sufficiently considered equity in their planning, as determined by the Department, 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 activities listed in Section E.1.a.(5), or will be required to propose a new activity that addresses equity to be completed prior to obligation of construction funds.

(3) Workforce and Labor Standards

Each applicant selected for PIDP grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of strong labor standards as described in Section A. Projects that have not sufficiently considered job quality and labor rights, standards, and protections in their planning, as determined by the Department, 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.

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 DOT.

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. Outcome 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 DOT. 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. DOT 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 DOT does not provide PIDP grant funding specifically for performance reporting. For each project selected for award, DOT, 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 Sec. 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. 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 Aubrey Parsons at 202-366-8047. 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 www.maritime.dot.gov/PIDPgrants. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT with questions directly, rather than through intermediaries or third parties. DOT may also conduct briefings on the PIDP grants selection and award process upon request.

H. Other Information

1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry

practice and standards, to the extent possible. If the 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 § 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, DOT intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1., DOT may make application narratives publicly available or share application information within DOT or with other Federal agencies if DOT determines that sharing is relevant to the respective program’s objectives.
