

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Notice of Funding Opportunity for the Maritime Administration's Small Shipyard Grant Program

AGENCY: Maritime Administration, U.S. Department of Transportation

ACTION: Notice of Funding Opportunity

SUMMARY: This notice solicits applications for the Maritime Administration's ("MARAD") Small Shipyard Grant Program. Under the fiscal year (FY) 2024 Small Shipyard Grant Program, up to \$8,750,000 is currently available for grants to: (1) make capital improvements to qualified shipyard facilities that will be effective in fostering efficiency; competitive operations; and quality ship construction, repair, and reconfiguration; and (2) provide training for workers in shipbuilding, ship repair, and associated industries. Potential applicants are advised the number of applications will likely exceed the funds available and that only a small percentage of applications will be funded. Historically, the average grant amount has been approximately \$1 million.

TIMING OF GRANT APPLICATIONS: Applications must be submitted by 5:00 p.m. E.D.T. on May 8, 2024.

ADDRESSES: Grant applications must be submitted electronically using Grants.gov (<https://www.grants.gov>). Please be aware that you must complete the Grants.gov registration process before submitting your application and that the registration process usually takes 2 to 4 weeks to complete. Applicants are strongly encouraged to make submissions in advance of the deadline.

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, please contact David M. Heller, Associate Administrator for Business and Finance Development, Maritime Administration, Room W21-318, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590; phone: (202) 366-5737; or fax: (202) 366-6988.

SUPPLEMENTARY INFORMATION: Each section of this notice contains information and

instructions relevant to the application process for the FY 2024 Small Shipyard Grant Program, and all applicants should read this notice in its entirety to prepare eligible and competitive applications. Only applicants who comply with all submission requirements described in this notice will be eligible for award. Applications received after the deadline will not be considered.

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A. Program Description

1. Overview

The Assistance for Small Shipyards statute, codified at 46 U.S.C. 54101, established the Small Shipyard Grant Program to provide assistance in the form of grants to small shipyards to make capital improvements and for maritime training programs to foster technical skills and operational productivity relating to shipbuilding, ship repair, and associated industries. The Consolidated Appropriations Act, 2024 (Pub. L. 118-42, March 9, 2024) appropriated \$8,750,000 for the FY 2024 Small Shipyard Grant Program. MARAD will not retain up to 2 percent of the funding for grant administration and oversight as authorized per 46 U.S.C. 54101(c)(2); therefore, a total of up to \$8.75 million is available in funding for the FY 2024 Small Shipyard Grant Program.

The purpose of the Small Shipyard Grant Program is to foster efficiency, competitive operations, and quality ship construction, repair, and reconfiguration in small shipyards across the United States in addition to fostering employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries. Award recipients will be expected to comply with the performance goals and reporting requirements as outlined in the executed grant agreement.

In addition to the goals and statutory criteria outlined in 46 U.S.C. 54101 and this notice, the Department seeks to fund projects under the Small Shipyard Grant Program that advance the Departmental priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth creation as described in the [USDOT Strategic Plan, Research, Development and](#)

[Technology Strategic Plan](#), and in executive orders.¹ MARAD encourages applicants to propose projects that will improve safety, reduce greenhouse gas emissions in the transportation sector, will create proportional impacts to all populations in a project area and increase equitable access to project benefits, and will support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs, especially registered apprenticeships. These priorities are described further below in section E.1.(b) of this notice.

2. Additional Information

The Small Shipyard Grant Program is described in the Federal Assistance Listings under the assistance listing program title “Assistance to Small Shipyards” and assistance listing number 20.814.

B. Federal Award Information

Under the FY 2024 Small Shipyard Grant Program, \$8,750,000 is available for grants for:

- (1) capital improvements to qualified shipyard facilities that will be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and
- (2) training projects that will be effective in fostering employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries. MARAD intends to award the full amount of available funding through grants to the extent that there are worthy applications. No more than 25 percent of the funds available may be awarded to any small shipyard in one geographic location that has more than 600 production employees. MARAD will seek to obtain the maximum benefit from the available funding by awarding grants to as many of the worthiest projects as possible. MARAD may also award grant funds to support a portion of a project described in an application by selecting one or more discrete components.

MARAD will administer each Small Shipyard Grant pursuant to a grant agreement with the grant recipient, and the start date and period of performance for each award will depend on the specific project and must be agreed to by MARAD in the grant agreement. Grant funds will be administered on a reimbursable basis. Any costs incurred prior to MARAD’s obligation of funds for a project are ineligible for reimbursement and are ineligible to count as match for cost share requirements without prior written approval from MARAD. Obligation occurs when a selected applicant and MARAD enter into a written grant agreement after the applicant has satisfied applicable administrative requirements. Amounts awarded as a grant under this notice that are not expended by the recipient shall remain

¹ Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619); 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).

available to the Maritime Administrator for use for grants under this program, either in the same or different fiscal year as this notice. In addition to the FY 2024 Small Shipyard Grant Program funds, unexpended prior year Small Shipyard Grant Program funds may be made available and awarded under this notice to eligible projects.

C. Eligibility Information

To be selected for a FY 2024 Small Shipyard Grant, an applicant must be an eligible applicant and the project must be an eligible project.

1. Eligible Applicants

Section 54101 of Title 46, United States Code, provides that small shipyards can apply for grants. The shipyard facility for which a grant is sought must be in a single geographic location and may not have more than 1,200 production employees. The applicant must be the operating company of the shipyard facility. The shipyard facility must construct, repair, or reconfigure vessels 40 feet in length or greater for commercial or government use, or construct, repair, or reconfigure vessels 100 feet in length or greater for non-commercial vessels. Refer to section D.5, Funding Restrictions, for more information.

2. Cost Sharing or Matching

The Federal funds for any eligible project cannot exceed 75 percent of the total cost of such project. Therefore, an eligible applicant must provide at least 25 percent of grant project costs from non-Federal sources. Third-party in-kind contributions are not allowed to satisfy the matching requirement. Unless the recipient is granted prior written approval from MARAD to incur pre-award costs, the recipient's entire cost share must be incurred after the execution date of the grant agreement but prior to payment of any Federal funds for the project. The applicant is required to submit detailed financial statements and supporting documentation demonstrating how and when such matching requirement is proposed to be funded. Refer to section D.2 for the documentation required as part of the application to satisfy the matching requirement. Refer to section E.1.(c) for information on how MARAD will evaluate cost share when selecting applications for award.

3. Other

i. Eligible Projects

Eligible projects include: (1) capital improvement projects in small shipyards that will be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and (2) maritime training programs that will be effective in fostering employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries. For capital

improvement projects, all items proposed for funding must be new and must be owned by the successful grant applicant.

Grant funds may also be used for maritime training programs to foster employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries. Grants for such training programs may only be awarded to “eligible applicants” as described above, but training programs can be established through vendors to such applicants. A maritime training center that has received funds in FY 2024 under section 51706 of Title 46, United States Code, is not eligible for grants under this notice for training purposes.

Unless granted prior written approval from MARAD to incur pre-award costs, all project costs for both capital improvement and training projects, including the recipient’s share, must be incurred after the date of the grant agreement.

Grants under MARAD’s Small Shipyard Grant Program may not be used to construct buildings or other physical facilities or to acquire land.

ii. Application Limit

Each eligible applicant may submit one application that may contain multiple projects, but MARAD will make a maximum of one award per eligible applicant under this notice.

D. Application and Submission Information

1. Address to Request Application Package

This announcement contains all the information needed for applicants to apply for this funding opportunity. Applications must be submitted through Grants.gov.

2. Content and Form of Application Submission

Applications must include the Standard Form 424 (SF-424, Application for Federal Assistance), which is available on the Grants.gov website at <https://www.grants.gov/forms/forms-repository/sf-424-family>. The application for a grant must also include all of the following information as an addendum to the SF-424. The information should be organized in sections as described below:

Section 1: A description of the shipyard including: (a) location of the shipyard, including demographic information describing any minority, low income, or limited English proficient communities in the vicinity of, and potentially impacted by, the proposed project²; (b) a description of the shipyard facilities; (c) years in operation; (d) ownership; (e) customer base; (f) current order book including type of work; (g) vessels delivered (or major projects) over last 5 years; and (h) website address, if

² Applicants are encouraged to utilize the Environmental Protection Agency’s [EJScreen](#) or [DOT’s Transportation Disadvantaged Census Tracts](#) tool to identify the demographics of the communities potentially impacted by the project.

any.

Section 2: For each project proposed for funding the following must be included in the application:

- (a) A comprehensive detailed description of the project, including a statement of whether the project will replace existing equipment, and, if so, the disposition of the replaced equipment.
- (b) A description of the need for the project in relation to shipyard operations and business plan and an explanation of how the project will fulfill this need.
- (c) A quantitative analysis demonstrating how the project will be effective in fostering efficiency, competitive operations, and quality ship construction, repair, or reconfiguration (for capital improvement projects) or how the project will be effective in fostering employee technical skills and enhanced operational productivity related to shipbuilding, ship repair, and associated industries (for maritime training programs). The analysis should quantify the benefits of the project in terms of man-hours saved, dollars saved, percentages, or other meaningful metrics. The methodology of the analysis should be explained with assumptions used, identified, and justified.
- (d) A detailed methodology and timeline for implementing the project, including identifying major project milestones. The project schedule should be sufficiently detailed to demonstrate that the project will be completed without unreasonable delay.
- (e) A detailed itemization of the cost of the project together with supporting documentation, including current vendor quotes and estimates of installation costs.
- (f) A statement explaining the anticipated National Environmental Policy Act (NEPA) level of review for the project and describing any environmental analysis in progress or completed, including 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 also describe whether the project will require any other environmental licenses, permits, or approvals, such as Army Corps of Engineers permits. The final determination of the NEPA level of review will be made by MARAD after grant award announcement. Applicants should be aware that projects that involve in-water work, such as dry docks, generally fall under an Environmental Assessment NEPA level of review. The successful applicant will be responsible for the completion of MARAD's NEPA documentation, in collaboration with MARAD's Office of Environmental Compliance, prior to execution of the grant agreement.

(g) This section should address all the applicable Departmental priorities identified in section E.1(b).

(h) Domestic Preference. This section should include a description of whether all iron, steel, manufactured products, and construction materials to be used in the project are produced in the United States in accordance with 46 U.S.C. 54101(d)(2) and should expressly address how the applicant plans to comply with domestic preference requirements as described in section F.2 of this notice. If an applicant anticipates any potential foreign-content issues with its proposed project, applications should demonstrate that the domestic source is not available, how that determination was achieved, and the applicant's current efforts and planned future efforts to maximize domestic content.

Items 2(a) thru 2(h) should be repeated, in order, for each separate project included in the application.

Section 3: Grant Funds, Sources, and Uses of Project Funds. This section should include a budget table with a prioritized list of projects with the total project cost and Federal government share (in dollars) for each. The project budget should show how different funding sources will share in each activity and present the data in dollars and percentages. The budget should identify other Federal funds the applicant is applying for, has been awarded, or intends to use. Funding sources should be grouped into three categories: non-Federal, Small Shipyard Grant Program Federal funds applied for under the FY 2024 application, and other Federal, with specific amounts from each funding source.

Section 4: A description of any existing programs or arrangements, if any, that will be used to supplement or leverage the Federal grant assistance.

Section 5: Shipyard company officer's certification of each of the following requirements:

- (a) That the shipyard facility for which a grant is sought is in a single geographic location and (i) the shipyard facility has no more than 600 production employees, or (ii) the shipyard facility has more than 600 production employees, but not more than 1,200 production employees (the shipyard officer must certify to either (i) or (ii));
- (b) That the applicant has the authority to carry out the proposed project; and
- (c) In accordance with the U.S. Department of Transportation's regulation restricting lobbying, 49 CFR Part 20, that the applicant has not, and will not, make any prohibited payments out of the requested grant. Certifications are not required to be notarized.

Section 6: Unique entity identifier of shipyard's parent company (when applicable) from SAM.gov.

Section 7: The most recent year-end audited, reviewed, or compiled financial statements, prepared by a certified public accountant (CPA), per U.S. generally accepted accounting principles (not tax-based accounting financial statements). If CPA prepared financial statements are not available, provide the most recent financial statement for the entity. Do not provide tax returns.

Section 8: Statement regarding the relationship between applicants and any parents, subsidiaries, or affiliates, if any such entity is going to provide a portion of the match.

Section 9: Evidence documenting applicant's ability to make proposed matching requirement (e.g., loan agreement, commitment from investors, and cash on balance sheet) and in the timeline outlined in 2(d) above.

Section 10: Pro-forma financial statements reflecting:

- (a) financial condition beginning of period;
- (b) effect on balance sheet of grant and matching funds (e.g., a decrease in cash or increase in debt, additional equity, and an increase in fixed assets); and
- (c) impact on company's projected financial condition (balance sheet) of completion of project, showing that company will have sufficient financial resources to remain in business.

Section 11: Statement explaining whether during the past five years, the applicant or any predecessor or related company has been in bankruptcy or in reorganization under Chapter 11 of the Bankruptcy Code, or in any insolvency or reorganization proceedings, and whether any substantial property of the applicant or any predecessor or related company has been acquired in any such proceeding or has been subject to foreclosure or receivership during such period. If so, give details.

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

Each applicant must obtain a UEI and register in www.SAM.gov before submitting its application, provide its valid UEI number in its application, and continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

MARAD may not make a Small Shipyard Grant award until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not complied with the requirements by the time MARAD is ready to make a Small Shipyard Grant award, MARAD may determine that the applicant is not qualified to receive a Small Shipyard Grant award and use that determination as a basis for making a Small Shipyard Grant award to another applicant.

4. Submission Dates and Times

Applications must be submitted to Grants.gov by 5:00 p.m. E.D.T. on May 8, 2024. Grants.gov attaches a time stamp to each application at the time that submission is complete. Applications with a time stamp after the deadline will not be considered. MARAD does not accept applications via mailed paper, fax machine, email, or other means. Please note that the Grants.gov registration process usually takes 2 to 4 weeks to complete.

5. Funding Restrictions

Grants awarded under MARAD's Small Shipyard Grant Program may not be used to construct buildings or other physical facilities or to acquire land. No more than 25 percent of the funds available may be awarded to any small shipyard in one geographic location that has more than 600 production employees. A maritime training center that has received funds in FY 2024 under section 51706 of title 46, United States Code, shall not be eligible for grants under this notice for training purposes.

Unless granted prior written approval from MARAD to incur pre-award costs, all project costs for both capital improvement and training projects, including the recipient's share, must be incurred after the date of the grant agreement.

Federal award recipients and subrecipients are prohibited from obligating or expending grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. See Section 889 of Public Law 115-232 (National Defense Authorization Act 2019).

6. Other Submission Requirements

(a) Submission location.

Grant applications must be submitted electronically using Grants.gov (<https://www.grants.gov>). To apply through Grants.gov, applicants must:

- i. Obtain a UEI number;
- ii. Register with SAM at www.SAM.gov;
- iii. Create a Grants.gov username and password; and
- iv. 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. There can be more than one AOR for an organization.

Please note that the Grants.gov registration process usually takes 2 to 4 weeks to complete, and MARAD will not consider late applications that are the result of a failure to register or comply with Grants.gov applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at <https://www.grants.gov/applicants/applicant-faqs.html>. If applicants experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 1 (800) 518-4726.

(b) Compliance with Section 508 of the Rehabilitation Act of 1973.

MARAD 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/>.

(c) Sharing of Application Information.

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

E. Application Review Information

This section specifies the selection criteria that MARAD will use to evaluate and award applications for FY 2024 Small Shipyard Grants. All applications will be evaluated for their alignment with the statutory merit criteria and additional considerations. MARAD will also consider the extent to which applications align with the selection considerations based on Departmental priorities and may give priority to those projects that align well when selecting among highly rated applications.

1. Criteria

(a) Merit Criteria. Consistent with the requirements of 46 U.S.C. 54101(b)(1), MARAD will evaluate the extent to which the project will be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration (for capital improvement projects) or how effective the projects will be in fostering employee skills and enhancing productivity related to shipbuilding, ship repair, and associated industries (for maritime training program projects). To facilitate the technical review, applications should focus on *Section 2* in section D.2 of this notice, especially *Section 2(c)*, to offer the best chance of an award.

(b) Selection Considerations. After completing the merit review, among projects of similar merit, MARAD may prioritize projects that advance the Departmental priorities of safety; climate change and sustainability; equity; and workforce development, job quality, and wealth creation, as described further below.

(i) Safety

MARAD will consider the extent to which an applicant demonstrates that its project provides safety benefits, such as how the project or applicant:

- provides substantial safety benefits (to commuters, workers, etc.) compared to existing conditions;
- mitigates to the extent practicable any significant safety risks that could result after the

project's completion; or

- will not negatively impact the overall safety of the traveling public, and any relevant group applicable to the Small Shipyard Grant program.

(ii) Equity

MARAD will consider the extent to which an applicant demonstrates that the project supports equity, such as how the project or applicant:

- will create positive outcomes that will reduce, mitigate, or reverse how a community is experiencing disadvantage through improving health or safety, reducing pollution, connecting Americans to good-paying jobs, fighting climate change, and/or improving access to nature, resources, transportation or mobility, and quality of life (applicants are strongly encouraged to use the [USDOT Equitable Transportation Community \(ETC\) Explorer \(arcgis.com\)](#) to understand how their project area is experiencing disadvantage);
- identifies and implements programs and policies that ensure the benefits of investments while mitigating economic displacement of economically susceptible residents and businesses; or
- engages the public, including disadvantaged communities, during all phases of the project, including planning, design, construction, and implementation.

(iii) Climate Change and Sustainability

MARAD will consider the extent to which an applicant demonstrates, using data-driven and evidence-based methods, that the project considers climate change and sustainability, such as how the project or applicant:

- significantly reduces greenhouse gas (GHG) emissions in the transportation sector, as shown through analysis with [USDOT tools](#) or similar; and
- incorporates evidence-based climate resilience measures and features and advances objectives in the [National Climate Resilience Framework](#).

Applicants are encouraged to use the [DOT Navigator Climate checklist](#) in responding to this criterion.

(iv) Workforce Development, Job Quality, and Wealth Creation

MARAD will consider the extent to which an applicant demonstrates that the project supports workforce development, job quality, and wealth creation, such as how the project or applicant:

- will create good-paying jobs with the free and fair choice to join a union, including

through the use of a project labor agreement;

- promotes investments in high-quality workforce development programs with supportive services to help train, place, and retain people or registered apprenticeships. These programs should have a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.);
- includes changes to hiring policies and workplace cultures to promote the entry and retention of underrepresented populations; or
- promotes local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

(c) Additional Considerations.

(i) MARAD will give preference to those projects for which an applicant's percentage non-Federal match contribution towards the overall project is greater than the statutory 25 percent minimum and greater than other competing grant applications.

(ii) Applications that propose to use grant funds for domestic-content purchases will be more competitive than those that may require a waiver to the domestic content requirements described in section F.2 of this notice.

(d) Determinations. As required pursuant to 46 U.S.C. 54101(f)(4), MARAD may not award a grant under this notice unless the Maritime Administrator determines that:

- (i)** sufficient funding is available to meet the matching requirements described in section C.2.;
- (ii)** the project will be completed without unreasonable delay; and
- (iii)** the recipient has authority to carry out the proposed project.

Applications must contain enough information for MARAD to make these determinations.

2. Review and Selection Process

MARAD staff will review all eligible applications received before the deadline. The Small Shipyard Grant review and selection process consists of three phases: Technical Review, Senior Review, and Final Selection. In the Technical Review phase, a Review Panel made up of technical experts, including naval architects and engineers from MARAD's Office of Shipyards and Marine Engineering, will review all timely applications. Additional input may be provided to the Review Panel on economic issues by the Office of Financial Approvals, on environmental issues by the Office

of Environment, and on legal issues by the Office of Chief Counsel. The Review Panel will assign a rating of “Highly Recommended,” “Recommended,” or “Not Recommended” based on how well each application aligns with the merit criteria.

In the second review phase, the Senior Review Team, which is led by the Maritime Administrator, will consider applications based upon the input of the Review Panel. The Maritime Administrator will make awards consistent with the merit criteria, additional considerations, and alignment with Departmental priorities. In making grants, MARAD will ensure that all projects selected for award meet the determinations outlined in section E.1.(d) of this notice and will take such measures as to ensure an equitable geographic distribution of funds. Pursuant to the requirement at 46 U.S.C. 54101(b)(3), the Department must award grants not later than 120 days after the date of the enactment of the appropriations act.

3. Federal Awardee Performance and Integrity Information System (FAPIIS) Check

Prior to obligation of funds, MARAD is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313). An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. MARAD will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant’s integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in section E, and after the required notice to Congress, MARAD will announce awarded projects by posting a list of selected projects at <https://www.maritime.dot.gov/grants-finances/small-shipyard-grants>. Pursuant to the requirement at 46 U.S.C. 54101(b)(3), MARAD shall award grants under this section not later than 120 days after the date of the enactment of the appropriations act for the fiscal year concerned.

Following the announcement of award selection, MARAD will contact the successful applicant’s point of contact listed in the SF-424 to initiate development of the grant agreement. Recipients of an award will not receive lump-sum cash disbursements at the time of announcement of award selection or obligation of funds. Instead, Small Shipyard Grant funds will reimburse recipients only after grant agreements have been executed, allowable expenses are incurred, and valid requests for reimbursement have been submitted and approved by the program contact. Small Shipyard Grant

recipients must adhere to applicable Federal and programmatic requirements and follow established procedures to receive reimbursement.

2. Administrative and National Policy Requirements

(a) Administrative Requirements.

All awards must be administered pursuant to applicable Federal laws, rules, and regulations of MARAD. MARAD will determine the period of performance for each award based on the specific project that was evaluated and selected. MARAD will administer each Small Shipyard Grant pursuant to a grant agreement with the grant recipient.

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, based on speech or other activities protected by the First Amendment.

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

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

(b) Program Requirements.

(1) 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), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to the domestic preference requirements at 46 U.S.C. 54101(d)(2) and the Build America, Buy America Act, sections 70901-70917 of [Public Law 117-58](#). Subject to few exceptions, these requirements state that

no funds may be obligated by MARAD for this program unless each product or material purchased with these funds (including products and materials purchased by a grant recipient), and including any commercially available off-the-shelf item, is:

- (i) An unmanufactured article, material, or supply that has been mined or produced in the United States; or
- (ii) A manufactured article, material, or supply that has been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

Despite the Department's waiver of Buy America requirements for small grants that was approved on August 16, 2023,³ MARAD will require all Small Shipyard Grant recipients, even those awarded less than \$500,000 in Small Shipyard Grant funds, to comply with the above domestic preference requirements for their projects.

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

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

³ <https://www.federalregister.gov/documents/2023/08/16/2023-17602/waiver-of-buy-america-requirements-for-de-minimis-costs-and-small-grants>.

Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

3. Reporting

(a) Progress Reporting on Grant Activities.

Each applicant selected for a Small Shipyard Grant will be required to work with MARAD on the development and implementation of a plan to collect information and report on the project's performance with respect to the relevant long-term outcomes that are expected to be achieved through the capital project or training. Performance indicators will not include formal goals or targets, but will require analysis of post-project outcomes, which will inform the Small Shipyard Grant Program in working towards best practices, programmatic performance measures, and future decision-making guidelines.

(b) Performance and Program Evaluation

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

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

ethics (OMB Circular A-11, Part 6 Section 290).

(c) 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 FAPIIS about civil, criminal, or administrative proceedings described further in the terms to the grant agreement. 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 David M. Heller, Associate Administrator for Business and Finance Development, Maritime Administration, Room W21-318, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590; phone: (202) 366-5737; or fax: (202) 366-6988. To ensure applicants receive accurate information about eligibility or the Program, you are encouraged to contact MARAD directly with questions.

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 why the information you are submitting is CBI. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT will follow the procedures described in

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

2. Publication and Sharing of Application Information

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

March 25, 2024

By Order of the Maritime Administrator