

Introduction to the Bipartisan Infrastructure Law (BIL) and Federal Requirements

Guidance for Local and Tribal Agencies



Participant Journal



U.S. Department of Transportation
Federal Highway Administration

Office of Innovation and Workforce Solutions (HIT)
Local Aid Support

Introduction

This resource is intended to be a supplement to the Introduction to the Bipartisan Infrastructure Law (BIL) and Federal Requirements training. This resource contains some key information and resources links, but most importantly, a place for you to capture your ideas and notes on how you will apply for Federal Aid grants for your agency under this legislation. Be sure to save your work!

What is the Infrastructure Investment and Job Act (BIL)? (Slides 7-8)

On November 15, 2021, President Joe Biden signed the Infrastructure Investment and Jobs Act, a landmark law to deliver once-in-a-generation funding to communities across the nation. This funding will help build and repair our nation’s roads, bridges, rail systems, public transit systems, airports, ports, and other infrastructure needs. Program highlights include:

- \$1.2 trillion in Federal funding
- \$567 billion in transportation funding (all DOT modes) over 5 years (FY22-26)
 - \$351 billion for highway programs
- New formula programs and new (competitive) discretionary programs
 - Planning and construction/implementation grants

What Kind of Funding is Available to Local and Tribal Agencies?

This funding is delivered to states in two main ways — through formula funding and through grant funding.

- **APPORTIONED (OR FORMULA) FUNDING** is non-competitive funding that goes directly to states and localities. This funding is determined by pre-existing formulas based on statistical criteria. Generally, states, localities, and other entities that normally receive infrastructure funding from Congress can expect to receive a boost of additional federal dollars that will be distributed through traditional programs.
- **GRANT FUNDING** is competitive and can be acquired by applying for specific grants. Each grant seeks to meet a specific need, such as supporting local initiatives to prevent death and serious injury on roads and streets, restoring community connectivity, expanding transportation infrastructure in rural areas, or strengthening resilience in coastal communities. Since grants vary widely, they have different deadlines, eligibility criteria, and application processes. Therefore, it is crucial that interested applicants follow guidelines closely in order to maximize the likelihood of being awarded these grants. The amounts that appear below are indicative of the total available funding nationwide. ***NOTE: This training focuses on grant funding.***

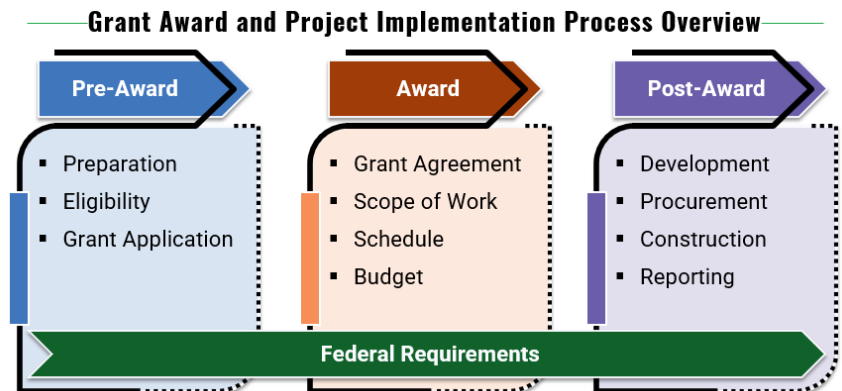
Think About It: Take a moment to identify a project (or a need that could become a project) at your agency, that could potentially be eligible for BIL grant funding. Briefly describe your project below.

Process Stages for Federal Projects/BIL Grants and Pre-Award Phase

Throughout the process, there are key Federal requirements that sponsors need to be aware of and keep in mind.

Applying for these grants can be difficult to navigate. Let's break it down into phases:

- **PRE-AWARD:** Preparing to apply, determining eligibility, and applying for the grant.
- **AWARD:** Entering the grant agreement; refining scope of work, schedule, and budget.
- **POST-AWARD:** Implementation/construction, contracting, and future reporting requirements.



Your Pre-Award Checklist (Slides 11-12)

Let's get you on your way to applying for these Federal grants! Complete these Pre-Award steps as soon as possible to ensure your agency can access these funds.

- ☐ **STEP 1: REGISTER** (Tip: do this *NOW* – registration can take 3-8 weeks to complete! Late applications cannot be accepted!)
 - ☐ Obtain Unique Entity Identifier (UEI) from the System for Award Management: www.SAM.gov (Tip: This can take 1-4 weeks.)
 - ☐ Register at www.GRANTS.gov (Tip: This can take 2-4 weeks.)
 - ☐ Verify/update authorized representative contact information
My agency designated rep is: _____
- ☐ **STEP 2: IDENTIFY THE GRANT**
 - ☐ Read the Notice of Funding Opportunity (NOFO) (Tip: Read it ALL. This is your roadmap!)
 - ☐ Attend program office announcement webinars
 - ☐ Determine if your agency and project meet the eligibility requirements (Tip: Follow the NOFO!)
 - ☐ Determine the grant implementation method/process and partners (MPO, State DOT, etc.)
- ☐ **STEP 3: APPLY** (Tip: Apply early!)
 - ☐ Identify the application closing date and time
 - ☐ Identify application requirements, such as required information and page limits
 - ☐ Complete application with ALL merit criteria addressed
 - ☐ Thoroughly describe and refine your Scope of Work – Explain and justify your need with data-based analysis and explain how/why this project is the solution to the problem. (Tip: Tell your story!)



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Got Questions During this Phase? Be sure to check out the FHWA Bipartisan Infrastructure Law (<https://www.fhwa.dot.gov/bipartisan-infrastructure-law/>) and the USDOT Navigator (<https://www.transportation.gov/dot-navigator>) pages for resources on applying for grants, finding technical assistance resources, and learning more about the BIL funding programs.

Pre-Award to Award Phase

The key to a great application is knowing how it will be evaluated and awarded!

What Happens to Your Grant Application After You Apply and the NOFO Closes? (Slides 15-16)

Tier 1: NOFO Merit Criteria Review	Tier 2: Project Review	Award Decision
Evaluation and ranking of High, Medium, Low, or Non-Responsive for each Merit Criteria (will vary by program): <ul style="list-style-type: none">✓ Safety✓ Environmental sustainability✓ Quality of life✓ Mobility and community connectivity✓ Economic competitiveness and opportunity✓ State of Good Repair✓ Partnership and collaboration✓ Innovation	Evaluation of: <ul style="list-style-type: none">✓ Project readiness✓ Financial completeness✓ Technical capacity✓ Experience with similar projects and/or federal requirements✓ Benefit-cost analysis (<i>tip: benefits > costs; review the Benefit-Cost Analysis Guide for Discretionary Grant Programs for more</i>)	<ul style="list-style-type: none">✓ Highly competitive projects reviewed✓ Final selection✓ Notice of award

Success Tips to Ensure your Grant Makes it to Award!

- Submit a complete and on-time application
- Ensure all required forms are complete and submitted (SF-424, etc.)
- Use the correct designation (rural -vs- urban) - it affects eligible funds!
- Document any work that has been completed to date on the project (environment, public outreach, design, etc.)
- Avoid:
 - Unclear or unsupported Scope of Work
 - Insufficient supporting information for NOFO Merit Criteria
 - Inconsistent budget and/or pre-incurred costs included
 - Unrealistic schedule or does not meet required NOFO milestone dates



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Essential Resources

Be sure to leverage these key resources as you proceed through the grant application process.

Bipartisan Infrastructure Law Information

- USDOT Navigator (<https://www.transportation.gov/dot-navigator>)
- FHWA BIL Resources Page - www.fhwa.dot.gov/bipartisan-infrastructure-law/

Grant Application

- System for Award Management - <https://sam.gov/content/home>
- Grants.gov - <https://www.grants.gov/>
- Build America Bureau - www.transportation.gov/buildamerica
- DOT Discretionary Grants Dashboard - <https://www.transportation.gov/grants/dashboard>
- Build America Center - <https://bac.umd.edu/>

Rural/Local Assistance

- Federal Aid Essentials for Local Public Agencies - <https://www.fhwa.dot.gov/federal-aidessentials/index.cfm>
- FHWA Local Aid Support/LTAP/TTAP - www.fhwa.dot.gov/clas/
- USDOT ROUTES - [https://www.transportation.gov/rural/ROUTES Discretionary Grant Funding Matrix | US Department of Transportation](https://www.transportation.gov/rural/ROUTES%20Discretionary%20Grant%20Funding%20Matrix%20US%20Department%20of%20Transportation)
- USDOT Benefit-Cost Analysis Guidance for Discretionary Grant Programs - <https://www.transportation.gov/mission/office-secretary/office-policy/transportation-policy/benefit-cost-analysis-guidance>
- USDOT Project Delivery Center of Excellence at the Volpe Center - <https://www.volpe.dot.gov/project-delivery>

Tribal Assistance

- FHWA Office of Tribal Transportation - www.highways.dot.gov/federal-lands/programs-tribal
- FHWA Tribal Technical Assistance Program (TTAP) - <https://www.fhwa.dot.gov/clas/ttap>

Environmental Guidance

- FHWA Environmental Review Toolkit - <https://www.environment.fhwa.dot.gov>

Federal Requirements

- FHWA Resource Center - <https://www.fhwa.dot.gov/resourcecenter/>
- FHWA Buy America Guidance - <https://www.fhwa.dot.gov/construction/cqit/buyam.cfm>
- Free Web-based Training - Understanding the Uniform Guidance Requirements (2 CFR 200) for Federal Awards; FHWA-NHI-231034 <https://www.nhi.fhwa.dot.gov/home.aspx>
- Federal Aid Essentials for Local Public Agencies - <https://www.fhwa.dot.gov/federal-aidessentials/index.cfm>
- Right of Way, FHWA Office of Realty – https://www.fhwa.dot.gov/real_estate/
- ROW Local Public Agency Tool - https://www.fhwa.dot.gov/real_estate/local_public_agencies/lpa_tool/



Putting Together a Successful Application

Use this organizer to set your application up for success.

Program you are considering applying for:

Program office contact information:

Deadline for application:

Think About It: Reflecting on your project, what are some key points, resources, or action items that you want to be sure to remember from the Pre-Award to Award phases? Capture your notes below.

Phase	Notes
Pre-Award <i>Got Questions? Contact - Program Office listed in the NOFO Contact Information</i>	
Award <i>Got Questions? Contact - Program Office, NOFO Contact Information, Division Office, Project Coordinator</i>	



Award to Post-Award

You won! Now what?

Grant Award and Project Implementation Process Overview

Pre-Award

- Preparation
- Eligibility
- Grant Application

Award

- Grant Agreement
- Scope of Work
- Schedule
- Budget

Post-Award

- Development
- Procurement
- Construction
- Reporting

Federal Requirements

The Award Phase involves entering into the grant agreement, determining the scope of work, as well as the schedule and budget. During post-award, you engage in development, procurement, construction, and reporting.

[Award to Post-Award Activities \(Slides 18-32\)](#)

Capture your notes on the essential activities as you move into the Post-Award phase below.

Key Activity	Notes
Complete Grant Agreement	
Plan and Identify Projects (TIP/STIP Requirements)	
Public Involvement	
Select and Hire A-E Consultant	

NEPA and Environmental Topics

Get familiar with the requirements of Federal Grant projects.

NEPA and Your Project (Slides 33-43)

NEPA applies to *all* Federal actions, including these grants. The key requirement of NEPA is that if our project may impact the environment, we are going to consider, avoid and minimize the environmental impacts of our project.

Important NEPA to-knows:

- Environmental Impact Statement (EIS) – the most significant and complicated of the requirements;
- Environmental Assessment (EA) – the “middle” level of the requirements; and
- Categorical Exclusion (CATEX) – the most streamlined of the requirements.

Commonly Encountered Environmental Topics

Let’s now learn a little more about some of the commonly encountered environmental statutes that may apply to your project that need to be addressed under NEPA.

Topic	Notes	Need to learn more? If yes, what’s your plan?
4(f) Parks and Recreational Land, Wildlife/Waterfowl Refuges		
Section 106 Historic Properties		
Wetlands/Waters of the US		
Wildlife Resources – Species and Habitats		
Air Quality		
Environmental Justice		
Note there are other elements of NEPA that may be applicable to your project. Visit: https://www.environment.fhwa.dot.gov for more information.		



Final Design Activities

*The outcomes of all the NEPA processes will influence your project design and plans.
Some project features may be mandatory (i.e., avoidance, mitigation, and environmental commitments).*

Final Design Activities (Slides 44–49)

Once NEPA is complete, final design may proceed. In this phase you will finalize the plans, specifications, and estimate, seek approval for design exceptions, obtain permits and agreements. Capture your notes on these activities below.

Key Design Activity	Notes
Plans, Specifications, & Engineers Estimate (PS&E)	
Utility Coordination	
Rail Coordination	
Right of Way	
Americans with Disabilities Act (ADA)	
Buy America	

Post-Design Activities

Let’s learn about some contracting and procurement requirements.

Contract/Construction Procurement (Slides 50–56)

Once your design is complete, you’ll move into the contract/construction procurement phase. The following are some things to consider and understand during procurement:

- Final Plans, Specifications, and Engineers Estimate (PS&E)
- ROW Clearance Certificate
- Permits & Agreements (Environmental, Utility, Rail, etc.)
- Disadvantaged Business Enterprise (DBE) Program
- Equal Employment Opportunity (EEO)
- On the Job Training (OJT) and Apprenticeship Programs
- Federally Required Contract Provisions (FHWA 1273)
 - Federal and/or State Wage Rates (Davis Bacon Act)
 - Non-Discrimination

Anything you want to remember on these topics? Capture your notes on these below.

Notes

Post-Award and Beyond

Executing your project and keeping up with requirements.

Construction and Closeout Need-to-Knows

- Construction Management
 - Federal projects require monitoring and oversight during construction. It needs to be a local, full-time employee in “responsible charge.”
 - QC/QA programs and monitoring of federal requirements include wage rates, DBE, prompt payments, environmental requirements, etc.
 - Change orders may require federal approval and may affect the grant if it causes issues with the funding/match percentage amounts or scope/schedule/budget as outlined in the grant agreement.
- Funding Reimbursement Process
 - Sponsors must minimize the time between receiving Federal funds and paying invoices (2 CFR 200.305(b))
 - Reimbursement requested from FHWA
 - Submit request through Delphi
 - FHWA verification and approval
 - Processing of reimbursement payment to Sponsor
 - Submit reports (quarterly, annual, progress, etc.)
- Closeout
 - There are final acceptance and recordkeeping requirements. Most BIL Grants will require a period of data gathering and performance reporting for a period of time after completion of the project, potentially 3-5 years after project completion.

Think About It: Reflecting on your project, what are some key points, resources, or action items that you want to be sure to remember from the post-award phase? Capture your notes below.

Phase	Notes
Post-Award <i>Got Questions?</i> <i>Contact - Division</i> <i>Office, Project</i> <i>Coordinator</i>	