

**State of Illinois Uniform Notice of Funding Opportunity (NOFO)
Summary Information**

Awarding Agency Name	Transportation
Agency Contact	Chuck Abraham (Charles.Abraham@illinois.gov)
Announcement Type	Initial
Type of Assistance Instrument	Grant
Funding Opportunity Number	23-494-80-1136
Funding Opportunity Title	Transit Statewide/Non-Metropolitan Transportation Planning - Federal Sec 5305(e)
CSFA Number	494-80-1136
CSFA Popular Name	Transit Federal Tech Studies
Anticipated Number of Awards	N/A
Estimated Total Program Funding	\$2,500,000
Award Range	No set amount; previous awards have been approximately \$80,000 - \$500,000
Source of Funding	Federal and State
Cost Sharing or Matching Requirements	Yes
Indirect Costs Allowed	Yes
Restrictions on Indirect Costs	Yes : 2 CFR 200; IL GATU set rates for Illinois state-run universities
Posted Date	04/10/2023
Application Date Range	04/10/2023 - 05/24/2023 at 17:00 CST
Grant Application Link	
Technical Assistance Session	Offered : Yes Mandatory : No Date : 04/18/2023 at 10:00 am CST Link to join at time of event : https://bit.ly/3zgbQ06

Illinois Department of Transportation Notice of Funding Opportunity (NOFO)

Statewide Non-Metropolitan Transit Planning-5305e NOFO Number: 23-494-80-1136

A. Program Description

The Illinois Department of Transportation (the Department) shall be applying for federal Section 5305(e) State Planning and Research funds and has limited state matching funds to pay for and oversee balanced and comprehensive planning, preliminary engineering, design, and evaluation studies of public and non-public transportation modes that are included in the metropolitan or statewide transportation planning process (49 USC 5305(e)). These studies shall help the successful applicant (Grantee) mitigate or resolve an intermodal transportation problem while also furthering one or more of the primary goals listed below. The Illinois Long-Range Transportation Plan further describes these primary goals (https://idot.illinois.gov/Assets/uploads/files/About-IDOT/Misc/Planning/IDOT_LRTP_1_Introduction4119df.pdf).

1. Increase accessibility and mobility of people and freight.
2. Enhance travel and tourism.
3. Increase security for motorized and non-motorized users.
4. Increase safety for motorized and non-motorized users.
5. Support economic vitality.
6. Enhance integration and connectivity across modes.
7. Promote efficient system management and operation.
8. Emphasize preservation of the existing transportation system.
9. Improve resiliency and reliability of the transportation system and reduce or mitigate the stormwater impacts of surface transportation.
10. Promote environmental protection, energy conservation, improved quality-of-life, and consistency between transportation improvements, land use, and economic development.

Previously funded projects included, but were not limited to the following: Transit alternatives analyses, transit comprehensive operations analyses, corridor comprehensive transportation studies, express and night bus feasibility studies, fare pricing analyses, logistics corridor feasibility studies, pandemic-related transit ridership studies, smart corridor plan and design studies, transit center/capital feasibility studies, transit equity studies, transit market analyses, travel behavior studies, passenger rail extension feasibility studies, bus rapid transit/arterial rapid transit corridor studies, bicycle network planning, and travel demand forecast model development.

This program shall use the following general performance measures to judge each study's success:

1. Adherence to the mutually agreed upon Scope of Work, budget, milestones, and deliverables.
2. Prompt and accurate response to the Department's inquiries about the study.
3. The Grantee's ability to work well with the Department as the Department shall oversee the study's progress. The Grantee shall invite the Department to all meetings and provide the Department's Program Support (Planning) Section sufficient time to review all study deliverables.
4. Timely, accurate, comprehensive, and well-written deliverables that address the Scope of Work. More specific performance measures may be added at a later date to the Grant Agreement to address the specific

nature of each study.

5. Timely completion of the required Periodic Performance Reporting and Periodic Financial Reporting Forms and all other reports that the Department shall require while performing this study.

Please note: Local Public Agencies (including public transit agencies) are no longer required to follow certain GATA processes for awards under this program. However, all other agencies (e.g., state-run universities) will have to follow GATA requirements. A GATA budget will still be required of all applicants as documentation of the proposed budget breakdown.

Most studies under this program involve hiring a third-party consultant through a public bidding process. Public agencies with the technical expertise to perform these studies in-house may apply to do so. Such public agencies may include, but are not limited to: universities, metropolitan planning organizations, and regional planning commissions. Private and non-profit applicants must have a public-sector partner who leads the application and subsequent study.

B. Funding Information

The Department shall be applying for approximately \$2,500,000 from the Federal Transit Administration (FTA) to award Section 5305(e) planning funds to successful Applicants for Section 5305(e). The average grant awarded during the last award period was \$212,293. The amount of the award shall depend upon the complexity of the problem proposed for study. The Department may award partial or extra funding to a project if the applicant has requested an amount different from what the Department believes will be necessary to complete the study. The Department shall reimburse Grantees for eligible and reasonable expenses that directly pertain to the study. Grantees, however, shall have funding available to cover their study costs up front before seeking reimbursement from the Department

Applicants should typically anticipate completion of their studies within two years of the Agreement Execution Date and should provide a reasonable timeframe for their study in the application. This timeframe should adequately reflect the study's scope and complexity. The Department shall typically expect Grantees to begin their studies within two months of receiving an executed Agreement.

After making the decision to award a grant, the Department may ask a Grantee to modify the Scope of Work, deliverables, timeline, and/or budget. Successful applicants shall receive a grant agreement. Applicants who have existing grants under this program may apply for new grants.

C. Eligibility Information

1. Eligible Applicants

An entity may not apply for a grant until the entity has registered and pre-qualified through the Grant Accountability and Transparency Act (GATA) Grantee Portal, www.grants.illinois.gov/portal. Each entity should check with their County or Municipalities' highest level (generally the treasurer, clerk, etc.) to see how they are currently registered in the GATA portal. Registration and pre-qualification are required annually. During pre-qualification, verifications are performed including a check of federal SAM.gov Exclusion List and status on the Illinois Stop Payment List. The Grantee Portal alerts the entity of "qualified" status or informs how to remediate a negative verification (e.g., inactive UEI, not in good standing with the Secretary of State). Inclusion on the SAM.gov Exclusion List cannot be remediated.

For Local Governments there are two types of registrations, which include:

- Centralized - primarily for Local Governments (**most common type**) - Counties and Municipalities with multiple departments and divisions where the funds/awards go to the county or municipality's highest level and then to the specific division or department. The highest entity level would register for all departments and divisions. All entities that fall under this centralized registration would be listed/identified in a "Grantee Note" by the registrant or the registrant can obtain assistance from DOT.GATA@illinois.gov to enter in the additional entities for them. All of the awards for any of the entities listed would go to the registered FEIN, UEI and GATA registration (a.k.a. Organization ID) numbers listed on the centralized registration. **One** Internal Control Questionnaire (ICQ) would be completed and **ONE** Indirect Cost Rate would be identified for all entities identified under the registration.
- Parent/Child - primarily for Local Governments (**least common type**) - Counties and Municipalities with multiple departments and divisions that have their own UEI numbers AND receive the funds/awards directly. The funds/awards DO NOT go through the highest level. The highest entity (the parent) level would register their FEIN and UEI, complete an ICQ and select an indirect cost rate.

Governmental agencies and mass transit operators who are not on the SAM.gov Exclusion List or the Illinois Stop Payment List

2. Cost Sharing or Matching

The Federal Transit Administration requires a 20% non-federal, cash match. State funds are available in limited quantities to eligible agencies to match available federal transportation planning (Section 5305(e)) funds.

For GATA grantee recipients, all non-matching funds shall be processed under this CSFA program by issuing a Notice of State Award (NOSA) and posting the award. All other grantee recipients shall be notified of the status of their award via an email and/or other form of communication.

Applicants who are seeking matching funds from the Department should specify this in their application in BlackCat. (For those who have not applied for funding using BlackCat before, the Department recommends attendance at the optional webinar on Tuesday, April 18, at 10am CST, to learn more about the BlackCat application process. The link to join that webinar at the time of the event is: <https://bit.ly/3zgbQ06>.)

If there are more applications than available funding, the Department shall rank the proposals and give added consideration to those applications with a local cash match, depending upon funding availability. (Please see Section E(2) of this Notice for further details on the ranking process.)

3. Indirect Cost Rate

Applicants that are going to charge an indirect cost rate on a grant must have an approved ICR rate.

On an annual basis, grantees/subrecipients are required to make an indirect cost rate election through the State of Illinois Grantee Portal.

The requirements for the centralized indirect cost rate process includes the election or negotiation of the following indirect cost rate types as specified in the Federal Uniform Guidance:

1. Waiving the right to charge indirect costs to grant awards (Waive or No Rate);
2. Using the De Minimis Rate of 10% of Modified Total Direct Costs (10% MTDC);
3. Negotiating an Indirect Cost Rate Agreement with the State of Illinois (State NICRA), except Local Governments, please see below.
4. Using a current Federally Negotiated Indirect Cost Rate Agreement (Federal NICRA), except Local Governments, please see below.

Special Requirements for Local Governments

- a. Local Governments are allowed to negotiate rates by individual departments or the entity as a whole. In order to negotiate an indirect cost rate by department, an applicant must have a separate Unique Entity Identifier (UEI) and register separately in the GATA Grantee Portal since the Department is required to treat applicants as an individual organization.
- b. Local Governments receiving more than \$35 million in direct federal funding are required to negotiate their indirect cost rate with their federal cognizant agency.
- c. Local Governments receiving less than \$35 million in direct federal funding are required to maintain indirect cost rate proposals (ICRPs) for federal audit purposes. These federally maintained proposals must be submitted to the State of Illinois to be reviewed. They must meet monitoring requirements. For purposes of the Centralized System, these federal ICRPs will be labeled as "State NICRAs" for local governments.

Election Timeframes

New Elections

Grantees/subrecipients must submit an initial indirect cost proposal or rate election in the Centralized System upon notice of award, and no later than 90 days after the effective date of the state award.

Subsequent Elections

Grantees/subrecipients that have previously established a State NICRA or made an election, are required to submit a new indirect cost proposal or rate election within six (6) months after the grantee/subrecipient's fiscal year end.

Federal NICRA Provisional Rate Elections

Certain federal agencies may provide provisional rates beyond a grantee/subrecipient's current fiscal year end. Therefore, the Centralized ICR System will request a grantee/subrecipient with a current Federal NICRA to make a subsequent election immediately upon the receipt of a new federal NICRA.

De Minimus and Waive will remain in perpetuity, or until the grantee decides to negotiate a rate.

If a Grantee is going to have a sub-award and/or consultant and they are going to charge an ICR rate, the Grantee will be required to ensure the consultant and/or sub-award have an approved NICRA or State of Illinois Rate. The Department will ask for documentation of this rate.

Illinois state-run universities, however, shall follow the rate-setting guidance that the Illinois Grants Accountability and Transparency Unit (GATU) has provided, which is 10% off-campus or 20% on-campus (please see the attached memo). If a State University has a "State Rate Memo" that re-worked their federal rates, they must remove the state-funded appropriations for health and pensions from the rate calculation. The Department will then accept those rates with proper documentation.

4. Other, if applicable

D. Application and Submission Information

1. Address to Request Application Package

The applications will all take place through the Department's transit grants management platform, BlackCat, at <https://ildot.blackcattransit.com/>. This is the system that most downstate transit agencies currently use for managing any operating or capital awards.

Qualifying applicants without current access to the BlackCat system may email Jack Cruikshank at John.Cruikshank@Illinois.gov with the name(s) and email address(es) of anyone who will need system access. The Department strongly recommends setting up this access as soon as possible.

If the Department experiences any technical difficulties on the last day of this call, it shall notify any applicants with started, yet unsubmitted, applications and extend the deadline by the amount of time lost.

2. Content and Form of Application Submission

All applicants, whether GATA-exempt or not, are required to fully complete the following with their application:

1. A Programmatic Risk Assessment,
2. A Uniform Application for Grant Assistance,
3. A Supplement to the Uniform Application for Grant Assistance for Section 5305(e) State Planning and Research (Technical Services) Grants (except the Board Resolution and Letter of Support),
4. A Signed Uniform Grant Budget, and
5. The Uniform Grant Agreement Affidavit of Disclosure of Conflicts of Interest--Grantee.

Blank copies of each of these forms are stored in BlackCat for applicants to download, complete, and re-upload.

If the Department chooses a proposal for an award, the Applicant shall be required to provide the following before receiving an Agreement:

1. One or more letters showing local support for the study (or project)
2. An executed Board Resolution for this study or project; an example is contained in the Supplement to the Uniform Application for Grant Assistance.

While letter(s) of support are not required to submit the application, they may be included in the BlackCat application if they are ready at the time of application.

3. Each applicant (unless the applicant is an individual or Federal or State awarding agency that is exempt from the requirements under 2 CFR §25.110(b) or (c), or has an exception approved by the Federal or State awarding agency under 2 CFR § 25.110 (d) is required to:

(iv) Be registered in SAM before submitting its application. To establish a SAM registration, go to www.SAM.gov and/or utilize this instructional link: [How to Register in SAM](#) from the www.grants.illinois.gov Resource Links tab. As of 6/11/18, entities registering in SAM must submit a notarized letter appointing their authorized Entity Administrator. Use the updated [FAQ sheet](#) from SAM.gov to learn more.

(v) Provide a valid UEI number in its application; and

(vi) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal, Federal pass-through or State award or an application or plan under consideration by a Federal or State awarding agency. It also must state that the State awarding agency may not make a Federal pass-through or State award to an applicant until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time the State awarding agency is ready to make a Federal pass-through or State award, the State awarding agency may determine that the applicant is not qualified to receive a Federal pass-through or State award and use that determination as a basis for making a Federal pass-through or State award to another applicant.

4. Submission Dates and Times

Eligible entities shall submit their completed applications via the Department's transit grants management platform, BlackCat, by no later than 5:00 PM CST on Wednesday, May 24, 2023. The Department shall not review or consider applications received after the solicitation deadline.

For any questions about the BlackCat processes, please contact:

Jack Cruikshank
Transportation System Planner

Office of Intermodal Project Implementation
Illinois Department of Transportation
69 W. Washington, Suite 2100
Chicago, IL 60602

John.Cruikshank@Illinois.gov

Applicants are encouraged to submit their applications before the last day to avoid any potential problems with submitting their application. As previously noted, if the Department experiences any technical difficulties on the last day, it shall notify all applicants with unsubmitted projects and extend the deadline for the amount of time lost.

5. Intergovernmental Review, if applicable

N/A

6. Funding Restrictions

Ineligible costs include, but are not limited to: alcohol, lobbying, costs incurred in developing the grant proposal, unreasonable costs for the amount of goods and/or services purchased, costs that were unnecessary for accomplishing the study, and costs that do not conform to the final, approved application and Uniform Grant Budget (without the Department's prior written approval). All eligible costs shall also meet the principles stated in 2 CFR 200.

7. Other Submission Requirements

E. Application Review Information

1. Criteria

The Department shall evaluate each application on the following criteria: a) whether the proposed study furthers one or more of the Statewide Transportation Plan's goals or objectives, b) whether the proposed study's scope is logical and fully detailed, c) whether the proposed study can solve or mitigate a problem dealing with public and/or intermodal

transportation, d) whether the proposed study is implementable when completed, and e) the extent to which the applicant is providing a local cash match.

The Department shall score up to 20 points for criteria (a) through (e) and rank the applications based on the total score. The Department shall try to fund as many desirable studies as possible within the available budget. Studies that have local matches shall have an increased chance of receiving funding when funding is available.

2. Review and Selection Process

Department staff from the Office of Intermodal Project Implementation, the Office of Planning & Programming, and/or the Secretary's Office shall review the applications. After an application is accepted for funding, the Department may ask applicants in writing to modify their application, budget, or total study amount. Applicants should then determine whether they would still like to proceed with the study and the modifications, ask for further clarification why the request was made, or decline to proceed with the study and the modifications.

Applicants who seek to appeal the decision on selected projects should direct their appeal in writing to Mr. Jason Osborn, the Director of the Office of Intermodal Project Implementation (Jason.Osborn@illinois.gov). He shall evaluate the appeal and make a final decision.

The Department is not obligated to make any awards as a result of this announcement.

3. Anticipated Announcement and State Award Dates, if applicable

Anticipated Announcement in Late Summer 2023 for projects to begin in early 2024

F. Award Administration Information

1. State Award Notices

Successful applicants will receive a Notice of State Award (NOSA) which specifies the funding terms and specific conditions resulting from the pre-award risk assessments. The NOSA will be provided and must be accepted through the Grantee Portal. The NOSA is not authorization to begin performance or incur costs.

For Grantees receiving an award under GATA, the NOSA lets Grantees know that the Department shall publish a Grant Agreement under the terms and conditions found in the NOSA after the Grantees accept it. For all others, the Department shall notify Grantees about their awards through an email.

2. Administrative and National Policy Requirements

As each study is different, the Grant Agreement shall detail the specific tasks that each Grantee is expected to carry out. However, all Grantees are expected to submit all of their required deliverables on time to the Grantor for review and shall cooperatively work with the Grantor's Program Support (Planning) Section, which shall oversee the studies on the Grantor's behalf. Grantees shall not modify the terms of the Agreement without seeking the Grantor's written approval in the form of an accepted negotiation, amendment, or change order.

Grantees are expected to submit invoices monthly or quarterly. These invoices shall include progress reports, timesheets documenting work performed on the study, and itemized receipts verifying eligible and reasonable direct expenses pertaining to the study.

3. Reporting

The Uniform Periodic Performance Report (PPR) and the Uniform Periodic Financial Report (PFR) have been combined into IDOT's BoBS 2832 Reporting Form. Quarterly reporting will be required unless more frequent reporting is required pursuant to specific award conditions.

These reports will describe the expenditure(s) of the funds and performance measures related thereto. The first BoBS 2832 report shall cover the first three months after the Award begins. Quarterly reports must be submitted no later than 30 calendar days following the three-month period covered by the report. Failure to submit the required BoBS 2832 report may cause a delay or suspension of funding.

G. State Awarding Agency Contact(s)

If you have any questions about this solicitation, please contact either Chuck Abraham at Charles.Abraham@illinois.gov or Jack Cruikshank at John.Cruikshank@illinois.gov.

H. Other Information

Certifications and Assurances:

I. Certifications

Bribery: Applicant certifies that it has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor made an admission of guilt of such conduct which is a matter of record (30 ILCS 500/50-5).

1. **Bid Rigging:** Applicant certifies that it has not been barred from contracting with a unit of State or local government as a result of a violation of Paragraph 33E-3 or 33E-4 of the Criminal Code of 1961 (720 ILCS 5/33E-3 or 720 ILCS 5/33E-4, respectively).
2. **Debt to State:** Applicant certifies that neither it, nor its affiliate(s), is/are barred from receiving an Award because Applicant, or its affiliate(s), is/are delinquent in the payment of any debt to the State, unless Applicant, or its affiliate(s), has/have entered into a deferred payment plan to pay off the debt, and Applicant acknowledges Grantor may declare the Agreement void if the certification is false (30 ILCS 500/50-11).
3. **Internal Revenue Code Compliance:** Applicant certifies that it does and will comply with all provisions of the Federal Internal Revenue Code (26 USC 1), the Illinois Revenue Act (35 ILCS 5), and all rules promulgated thereunder, including withholding provisions and timely deposits of employee taxes and unemployment insurance taxes.
4. **Lobbying:** Applicant certifies that it has not paid prior grant funds, or upon receiving an Award and Grant Agreement, will not be paying Grant Funds by or on behalf of Applicant to any person for influencing or attempting to influence an officer or employee of any government agency, a member of Congress or Illinois General Assembly, an officer or employee of Congress or Illinois General Assembly, or an employee of a member of Congress or Illinois General Assembly in connection with the awarding of any agreement, the making of any grant, the making of any loan, the entering into of any cooperative or intergovernmental agreement, or the extension, continuation, renewal, amendment or modification of any agreement, grant, loan or cooperative or intergovernmental agreement. 31 USC 1352. Additionally, Applicant certifies that it has filed the required certification under the Byrd Anti-Lobbying Amendment (31 USC 1352), if applicable.
 - i. **Federal Form LLL:** If any funds, other than Federally-appropriated funds, were paid or will be paid to any person for influencing or attempting to influence any of the above persons in connection with a Uniform Application for State Grant Assistance and subsequent Award and Agreement, the undersigned must also complete and submit Federal Form LLL, Disclosure of Lobbying Activities Form, in accordance with its instructions.
 - ii. **Lobbying Costs:** Applicant certifies that it is in compliance with the restrictions on lobbying set forth in 2 CFR Part 200.450. For any Indirect Costs associated with a Grant Agreement pursuant to an Award, total lobbying costs shall be separately identified in the Program Budget, and thereafter treated as other Unallowable Costs.
 - iii. **Procurement Lobbying:** Applicant warrants and certifies that it and, to the best of its knowledge, its sub-grantees, if Applicant intends to use sub-grantees upon issuance of an Award and subsequent Grant Agreement, have complied and will comply with Executive Order No. 1 (2007) (EO 1-2007). EO 1-2007 generally prohibits Grantees and subcontractors from hiring the then-serving Governor's family members to lobby procurement activities of the State, or any other unit of government in Illinois including local governments, if that procurement may result in a contract valued at over \$25,000. This prohibition also applies to hiring for that same purpose any former State employee who had procurement authority at any time during the one-year period preceding the procurement lobbying activity.
 - iv. **Sub-awards:** If Applicant is issued an Award and subsequent, Grant Agreement, and intends to utilize sub-Grantees, Applicant certifies it will include the language of this certification in the award documents for any sub-awards made pursuant to this Award at all tiers. All sub-awardees are also subject to certification and disclosure. Pursuant to Appendix II(I) to 2 CFR Part 200, Applicant shall forward all disclosures by contractors regarding this certification to Grantor.
5. **Educational Loan:** Applicant certifies that it is not barred from receiving State awards or agreements as a result of default on an educational loan (5 ILCS 385/1 *et seq.*).
6. **International Boycott:** Applicant certifies that neither it nor any substantially owned affiliated company is participating or shall participate in an international boycott in violation of the provision of the U.S. Export

Administration Act of 1979 (50 USC Appendix 2401 *et seq.* or the regulations of the U.S. Department of Commerce promulgated under that Act (15 CFR Parts 730 through 774).

7. **Dues and Fees to a Discriminatory Club:** Applicant certifies that it is not prohibited from receiving an Award because it pays dues or fees on behalf of its employees or agents, or subsidizes or otherwise reimburses them for payment of their dues or fees to any club which unlawfully discriminates (775 ILCS 25/1 *et seq.*).
8. **Pro-Children Act:** Applicant certifies that it is in compliance with the Pro-Children Act of 2001 in that it prohibits smoking in any portion of its facility used for the provision of health, day care, early childhood development services, education or library services to children under the age of eighteen (18), which services are supported by Federal or State government assistance (except such portions of the facilities which are used for inpatient substance abuse treatment) (20 USC 7181-7184).
9. **Drug-Free Work Place:** If Applicant is not an individual, Applicant certifies it will provide a drug free workplace pursuant to the Drug Free Workplace Act. 30 ILCS 580/3. If Applicant is an individual and the Award applied for is valued at more than \$5,000, Applicant certifies it shall not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during the performance of the Agreement. 30 ILCS 580/4. Applicant further certifies that it is in compliance with the government-wide requirements for a drug-free workplace as set forth in 41 USC 8102.
10. **Motor Voter Law:** Applicant certifies that it is in full compliance with the terms and provisions of the National Voter Registration Act of 1993 (52 USC 20501 *et seq.*).
11. **Clean Air Act and Clean Water Act:** Applicant certifies that it is in compliance with all applicable standards, order or regulations issued pursuant to the Clean Air Act (42 USC §7401 *et seq.*) and the Federal Water Pollution Control Act, as amended (33 USC §1251 *et seq.*).
12. **Debarment:** Applicant certifies that it is not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this Agreement by any Federal department or agency (45 CFR Part 76), or by the State (See 30 ILCS 708/25(6)(G)).
13. **Non-procurement Debarment and Suspension:** Applicant certifies that it is in compliance with Subpart C of 2 CFR Part 180 as supplemented by 2 CFR Part 376, Subpart C.
14. **Grant for the Construction of Fixed Works:** Applicant certifies that all Programs for the construction of fixed works which are financed in whole or in part with funds provided by this Notice of Funding Opportunity shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 *et seq.*) unless the provisions of that Act exempt its application. In the construction of the Program, Applicant shall comply with the requirements of the Prevailing Wage Act including, but not limited to, inserting into all contracts for such construction a stipulation to the effect that not less than the prevailing rate of wages as applicable to the Program shall be paid to all laborers, workers, and mechanics performing work under the Award and requiring all bonds of contractors to include a provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract.
15. **Health Insurance Portability and Accountability Act:** Applicant certifies that it is in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law No. 104-191, 45 CFR Parts 160, 162 and 164, and the Social Security Act, 42 USC 1320d-2 through 1320d-7, in that it may not use or disclose protected health information other than as permitted or required by law and agrees to use appropriate safeguards to prevent use or disclosure of the protected health information. Applicant shall maintain, for a minimum of six (6) years, all protected health information.
16. **Criminal Convictions:** Applicant certifies that neither it nor any officer, director, partner or other managerial agent of Applicant has been convicted of a felony under the Sarbanes-Oxley Act of 2002, nor a Class 3 or Class 2 felony under Illinois Securities Law of 1953, or that at least five (5) years have passed since the date of the conviction. Applicant further certifies that it is not barred from receiving an Award under 30 ILCS 500/50-10.5, and acknowledges that Grantor shall declare the Award and subsequent Grant Agreement void if this certification is false (30 ILCS 500/50-10.5).
17. **Forced Labor Act:** Applicant certifies that it complies with the State Prohibition of Goods from Forced Labor Act, and certifies that, if it receives an Award and subsequent Grant Agreement, no foreign-made equipment, materials, or supplies furnished to the State under the Agreement have been or will be produced in whole or in part by forced

labor, convict labor, or indentured labor under penal sanction (30 ILCS 583).

18. **Illinois Use Tax:** Applicant certifies in accordance with 30 ILCS 500/50-12 that it is not barred from receiving an Award under this Paragraph. Applicant acknowledges that the Award and subsequent Grant Agreement may be declared void if this certification is false.
19. **Environmental Protection Act Violations:** Applicant certifies in accordance with 30 ILCS 500/50-14 that it is not barred from receiving an Award. Grantee acknowledges that the Award and subsequent Grant Agreement may be declared void if this certification is false.
20. **Goods from Child Labor Act:** Applicant certifies that no foreign-made equipment, materials, or supplies furnished to the State under a Grant Agreement executed pursuant to an Award have been or will be produced in whole or in part by the labor of any child under the age of twelve (12) (30 ILCS 584).
21. **Federal Funding Accountability and Transparency Act of 2006:** Applicant certifies that it is in compliance with the terms and requirements of 31 USC 6101. Applicant further certifies it does and will comply with the reporting requirements of the Federal Funding Accountability and Transparency Act of 2006 (P.L. 109-282) (FFATA) with respect to Federal Awards greater than or equal to \$25,000. A FFATA sub-award report must be filed by the end of the month following the month in which the award was made.
22. **Compliance with Uniform Grant Rules (2 CFR Part 200):** Applicant certifies that it shall adhere to the applicable Uniform Administrative Requirements, Cost Principles, and Audit Requirements, which are published in Title 2, Part 200 of the Code of Federal Regulations, and are incorporated herein by reference. See 44 Ill. Admin. Code 7000.30(b)(1)(A).
23. **Compliance with Non-Discrimination Laws:** Applicant, its employees and subcontractors under subcontract made pursuant to an Award and subsequent Grant Agreement, certifies that it shall comply with all applicable provisions of State and Federal laws and regulations pertaining to nondiscrimination, sexual harassment and equal employment opportunity including, but not limited to, the following laws and regulations and all subsequent amendments thereto:
 - (a) The Illinois Human Rights Act (775 ILCS 5/1-101 *et seq.*), including, without limitation, 44 Illinois Administrative Code Part 750, which is incorporated herein;
 - (b) The Public Works Employment Discrimination Act (775 ILCS 10/1 *et seq.*);
 - (c) The United States Civil Rights Act of 1964 (as amended) (42 USC 2000a- and 2000h-6). (*See also* guidelines to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons [Federal Register: February 18, 2002 (Volume 67, Number 13, Pages 2671-2685)]);
 - (d) Section 504 of the Rehabilitation Act of 1973 (29 USC 794);
 - (e) The Americans with Disabilities Act of 1990 (42 USC 12101 *et seq.*); and
 - (f) The Age Discrimination Act (42 USC 6101 *et seq.*).

II. Assurances

1. **Applicant Standing and Authority:** Applicant assures it is duly organized, validly existing and in good standing under the laws of the State in which it was incorporated or organized and that it has the requisite power and authority to:
 - i. Execute and deliver the Uniform Application for State Grant Assistance on behalf of the Applicant;
 - ii. Execute and file the required certifications, assurances, Intergovernmental Agreements and Grant Agreements on behalf of the Applicant binding the Applicant;
 - iii. Execute Grant Agreements, Intergovernmental Agreements, and all other documents to be executed by Applicant in connection with the Award and subsequent Agreement with Grantor on behalf of the Applicant.
 - iv. Upon receiving an award and subsequent Intergovernmental Agreement or Grant Agreement, perform its obligations hereunder and to consummate the transactions contemplated within the Agreement.
 - v. If Applicant is organized under the laws of another jurisdiction, Applicant warrants that it is also duly qualified to do business in Illinois and, if applicable, is in good standing with the Illinois Secretary of State.

2. General Assurances:

- i. Applicant assures it will comply with all applicable State, Federal and local laws and State administrative regulations in carrying out any project supported by a State of Illinois Grant Agreement or Intergovernmental Agreement, and any and all license requirements or professional certification provisions.
- ii. Applicant agrees that it is under a continuing obligation to comply with the terms and conditions of the Grant Agreement or Intergovernmental Agreement with Grantor issued for its project.
- iii. Where applicable, Applicant assures it will comply with applicable State and Federal statutes, Federal regulations and Grantor administrative rules regarding confidential records or other information obtained by Applicant concerning persons served under an Intergovernmental Agreement or Grant Agreement. The records and information shall be protected by Applicant from unauthorized disclosure.
- iv. Applicant recognizes that Federal and State laws and regulations may be modified from time to time, and those modifications may affect project implementation. The Applicant understands that Presidential executive orders, executive orders from the Office of the Governor, Federal and State directives, including policies and program guidance may be issued concerning matters affecting the Applicant or the project.
- v. The Applicant agrees that the most recent Federal and State laws, regulations, and directives will apply to the project, unless Grantor issues a written determination otherwise.

3. Registration Assurance: Applicant assures it and any sub-grantees it might intend to utilize shall:

- i. be registered with the Federal SAM;
- ii. be in good standing with the Illinois Secretary of State, if applicable; and
- iii. have a valid UEI number.

Applicant understands its responsibility to remain current with these registrations and requirements. If Applicant's status with regard to any of these requirements change, or the certifications made in and information provided in the Uniform Application for State Grant Assistance changes, Applicant must notify the Grantor.

4. Gift Ban Assurance: Applicant understands it is prohibited from giving gifts to State employees and assures it will not give any gifts pursuant to Officials and Employees Ethics Act (5 ILCS 430/10-10) and Executive Order 15-09.

5. Freedom of Information Act (FOIA) Assurance: Applicant assures that upon request, Applicant shall make available to Grantor all documents in its possession that Grantor deems necessary to comply with requests made under the Freedom of Information Act. (5 ILCS 140/7(2)).

Other information, if applicable:

Procurement Information for Successful Applicants (Grantees) Who Shall Hire a Consultant to Perform Their Scope of Work:

6. No Government Obligation to Third-Parties: The Grantor and the FTA shall not be subject to any obligations or liabilities by or to contractors of the Grantee or their subcontractors or any other person not a party to this Agreement in connection with the performance of this Project, without its express written consent, notwithstanding the concurrence in or approval of the solicitation or the award by the Grantor or the FTA to such contractors or subcontractor(s). The Grantee agrees to include this clause in each contract and subcontract financed in whole or in part with federal and/or state assistance. It is further agreed that this clause shall not be modified, except to identify the subcontractor who will be subject to this provision.

7. Grantee's Responsibility for Compliance: Irrespective of the participation of other parties or the subcontracting of work on the Project by the Grantee, the Grantee shall continue to remain responsible to the Grantor and FTA for compliance with all federal and state requirements, including but not limited to applicable statutes, regulations, executive orders, and/or the Master Agreement between the Grantor and FTA (a copy of which is incorporated herein by reference), or by the Grant Agreement.

8. Contracts: All contracts for goods, property, and services exceeding \$10,000 must be approved in writing by the Grantor prior to the Grantee executing or obligating itself to such contracts, unless otherwise specifically agreed to by the Grantor in writing. Any such contract or subcontract approved by the Grantor shall contain all of the contract clauses provided pursuant to this Agreement, and conform to the requirements of FTA Circular 4220.1E, "Third Party Contracting Requirements", November 1, 2008 and any later revisions thereto,

and 49 CFR 18.36 or at 49 CFR 1940 through 1948 and other applicable federal regulations pertaining to third-party procurements and subsequent amendments thereto. The Grantee shall follow state and federal law and procedures (and local policies not inconsistent therewith) when awarding and administering contracts. The Grantee agrees to give full opportunity for free, open, and competitive procurement for each contract as required by state and federal law. No change or modification of the scope or cost shall be made to any such approved contract without prior Grantor approval in writing.

9. Exclusionary or Discriminatory Specifications: Apart from inconsistent requirements imposed by federal and state law, the Grantee agrees and shall require all of its contractors for the Project to agree that no federal or state funds shall be used to support procurement utilizing exclusionary or discriminatory specifications and it will comply with 49 USC 5323(h).
10. Award to Other Than the Lowest Bidder: In accordance with 49 USC 5325c, the Grantee may award a third-party contract to other than the lowest bidder in connection with a procurement, only when such award furthers an objective (such as an improved long-term operational efficiency and lower costs) consistent with the purposes of 49 USC Chapter 53, and any implementing regulations that FTA may issue.
11. The Grantee agrees to comply with applicable provisions of the Service Contract Act of 1965, as amended (41 USC 351, et seq.).
12. Award to Responsible Contractors: In compliance with 49 USC 5325(j), the Grantee agrees to award third-party contracts only to those contractors possessing the ability to successfully perform under the terms of the proposed procurement. Before awarding a third-party contract, the Grantee agrees to consider:
 - a. The third-party contractor's integrity;
 - b. The third-party contractor's compliance with public policy;
 - c. The third-party contractor's past performance, including the performance reported in Contractor Performance Assessment Reports required by 49 USC 5309(l)(2), if any; and
 - d. The third-party contractor's financial and technical resources.
13. Geographic restrictions: The Grantee and its contractors agree to refrain from using state or local geographic preferences, except those expressly mandated or encouraged by federal statute, and as permitted by the Grantor and FTA.
14. Third-Party Disputes or Breaches: The Grantee agrees to pursue all legal rights available to it in the enforcement or defense of any third-party contract, and FTA and the Grantor reserve the right to concur in any compromise or settlement of any third-party contract claim involving the Grantee. The Grantee will only notify the FTA and the Grantor of any current or prospective major dispute pertaining to any third-party contract. If the Grantee seeks to name the Government as a party to the litigation, the Grantee agrees to inform both the FTA and the Grantor before doing so. The Government retains a right to a proportionate share of any proceeds derived from any third-party recovery. Unless permitted by the Government, the Grantee will credit the Project Account with any liquidated damages recovered. Nothing herein is intended to nor shall it waive FTA's or the Grantor's immunity to suit.



Illinois Department of Transportation

Office of Finance and Administration / Bureau of Business Services
2300 South Dirksen Parkway / Springfield, Illinois 62764

MEMORANDUM

Date: Friday, January 24, 2020
To: IDOT Grant and Program Staff
From: Joanne Woodworth, Acting Chief Financial Officer *JW*
Subject: University Indirect Cost Rates

POLICY: State of Illinois Universities Facilities and Administration (F&A) Memorandum

Federal Facilities and Administrative (F&A) rate agreements are used for indirect cost reimbursement on grants, contracts and/or other agreements issued or awarded to State Universities by all Federal Agencies of the United States in accordance with the cost principles mandated by 2 CFR 200.

State Universities have recognized the State of Illinois continuously funds a portion of its facilities and administrative costs through annual general fund appropriations. Consequently, State Universities cannot seek the same percentage of indirect reimbursement from Federal pass-through and State of Illinois awards issued by State of Illinois Agencies.

Therefore, The Grant Accountability and Transparency Unit, The Governor's Office of Management & Budget along with Chief Accountability Officers from State of Illinois awarding agencies recommend the following F&A policy for State funded Universities.

The following State University F&A Rate and Base will apply to all State issued awards that contain either Federal pass-through funding or State funding.

RATE: 20%, Rate for awards or programs administered On-Campus*
10%, Rate for awards or Programs administered Off-Campus*

BASE: Base approved in the State Universities' current Federally Negotiated Indirect Cost Rate Agreement (NICRA)

*Criteria for utilization of the On/Off campus rate is located within the general terms and conditions of Federal NICRA for each State University. If not clearly defined, State awarding agencies and officers will make final determination based upon the purposes of the grant scope.

Notice of Funding Opportunity (NOFO): The IDOT Grants Section immediately requests this F&A policy language be included within the "Indirect Cost Rate" section of current NOFOs.

Listing of State of Illinois Universities that must follow the recommended F&A policy

1. Chicago State University
2. Eastern Illinois University
3. Governors State University
4. University of Illinois at Chicago
5. University of Illinois at Springfield
6. University of Illinois at Urbana-Champaign
7. Illinois State University
8. Northeastern Illinois University
9. Northern Illinois University
10. Southern Illinois University Carbondale
11. Southern Illinois University Edwardsville
12. Western Illinois University

If you have questions, please contact:

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