

NOTE: this document is provided for informational purposes to give applicants an idea of what new-UTC grant requirements will likely be; RITA reserves the right to revise these requirements as needed prior to award.

**GENERAL PROVISIONS OF GRANTS
FOR
UNIVERSITY TRANSPORTATION CENTERS (UTCs)**

DRAFT

**U.S. DEPARTMENT OF TRANSPORTATION
RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION**

JANUARY 2012

[DRAFT 9/26/2011]

GENERAL PROVISIONS OF GRANTS FOR UNIVERSITY TRANSPORTATION CENTERS

I. GENERAL REQUIREMENTS

1. The Grantee shall commence, carry out, and complete its work with all practicable dispatch, in a sound, economical, and efficient manner, and in accordance with the provisions hereof, the Grant Agreement, the *Reporting Requirements for University Transportation Centers (UTCs)*, the activities outlined in the Grantee's application for funding including the budget, and all applicable laws, regulations, Department of Transportation (DOT) directives, and published Federal policies.
2. The Grantee shall immediately notify the Research and Innovative Technology Administration (RITA) of any change in local law, conditions, or any other event, including any litigation challenging the validity of or seeking interpretation of any Federal law or regulation applicable to the UTC Program, which may significantly affect the Grantee's ability to perform in accordance with the terms of this Grant. In addition, the Grantee shall immediately notify RITA of any decision pertaining to the Grantee's conduct of litigation that may affect DOT interests or DOT administration or enforcement of applicable Federal laws or regulations. Before the Grantee may join DOT, or any of its Operating Administrations, as a named party to litigation, for any reason, the Grantee agrees first to inform RITA; this proviso applies to any type of litigation whatsoever, in any form.
3. The terms of DOT regulations 49 C.F.R. Part 19, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" (OMB Circular No. A-110), apply to this Grant. These regulations set forth standards for financial and program management, matching funds, property standards, procurement standards, reports and records, and termination and enforcement.
4. The Grantee shall comply with the government-wide principles contained in OMB Circular A-21, "Cost Principles for Educational Institutions," for determining costs applicable to research and development and to training and other educational services performed by colleges and universities under Federal government grants.
5. The Grantee shall comply with the uniform audit requirements for non-Federal entities contained in OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Institutions." The Grantee shall also permit authorized Federal representatives to inspect all of its own or a subgrantee's work, materials, payrolls, and other data related to the UTC Program.
6. The Grantee shall apply all applicable sections of these Provisions to any subgrant(s)

executed under this Grant.

7. DOT cannot assume any liability for accidents, illnesses, or claims arising out of any work supported by an award or for unauthorized use of patented or copyrighted materials. The Grantee is advised to take such steps as may be deemed necessary to insure or protect itself, its employees, and its property.

8. As a recipient of DOT assistance, the Grantee must review the list of parties excluded from Federal procurement or non-procurement programs located on the Excluded Parties List System (EPLS) website: <http://www.epls.gov/> before entering into a sub-agreement or contract. The Grantee must also inform RITA when it takes action to suspend or debar a contractor, person, or entity. DOT Order 4200.5E has further information about this requirement ([http://www.dot.gov/ost/m60/Financial Assistance Management Home/Suspension Debarment Order 2010.pdf](http://www.dot.gov/ost/m60/Financial_Assistance_Management_Home/Suspension_Debarment_Order_2010.pdf)).

9. As a recipient of Federal assistance, the Grantee shall comply with the Federal Funding Accountability and Transparency Act of 2006 (FFATA). The FFATA legislation requires information on Federal awards (Federal financial assistance and expenditures) be made available to the public. The FFATA Subaward Reporting System (FSRS, <http://www.fsrs.gov/>) is the reporting tool Federal prime awardees (i.e., prime contractors and prime grant recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards in order to meet the FFATA reporting requirements.

10. Executive Order 13513 (October 1, 2009) requires each Federal agency, in grants and cooperative agreements, to encourage recipients and sub-recipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or while driving privately owned vehicles when on official business or when performing any work for or on behalf of the Government. RITA encourages all of its grant recipients and sub-recipients to undertake initiatives to consider new rules and programs, and reevaluate existing programs, to prohibit text messaging while driving, and to conduct education, awareness, and other outreach for employees about the safety risks associated with texting while driving. These initiatives should encourage voluntary compliance with the organization's text messaging policy while off duty.

II. SPECIFIC STATUTORY REQUIREMENTS

[49 U.S.C. 5338 and 5506 as stated in the UTC Grant Agreement]

1. **Support of National Strategy for Surface Transportation Research.** Each UTC Program Grantee is required by law [49 U.S.C. 5506(h), applicable to grants authorized under 49 U.S.C. 5338 and 5506] to provide assurances that the research and education activities of its UTC will support the national strategy for surface transportation research. A Grantee's use of Appendices A and/or B of the UTC Program 2011 Grant Solicitation to write its application for funding

meets this requirement.

2. **Maintenance of Effort.** Each UTC Program Grantee is required by law [49 U.S.C. 5506(i), applicable to grants authorized under 49 U.S.C. 5338 and 5506] to ensure that it will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its two fiscal years prior to award of this Grant.

3. **Federal Share.**

a) **Amount and Sources.** The funds awarded under this Grant as stated in the UTC Grant Agreement and any Modifications as authorized by 49 U.S.C. 5338 or 5506 are subject to a 100% non-Federal match.

The non-Federal share of UTC costs may include funds provided to a recipient under sections 503, 504(b), or 505 of Title 23, United States Code. (Those sections refer to the technology deployment, local technical assistance, and state planning and research programs managed by the Federal Highway Administration.)

As established in Federal grant regulations issued by the Office of Management and Budget (OMB), matching funds may be cash or in-kind and must, among other stated OMB requirements, be used to accomplish program objectives and the purpose of this grant, and be fully documented and carefully accounted for in the Grantee's records.

b) **Timing.** RITA does not require UTCs to obtain matching funds on a project-by-project basis. However, RITA does expect to see evidence, in the Center's financial status reports and requests for reimbursement of expenses, of reasonable progress over time toward meeting the non-Federal match requirement. In the absence of such evidence, RITA may choose to require the Grantee to demonstrate its ability to match the funds already awarded before paying any additional invoices or awarding any additional funds that may be made available under the Grant.

c) **Restriction on Use.** Any restriction on the use of Federal funds applies equally to non-Federal matching funds.

4. **Program Coordination.** Under 49 U.S.C. 5506(i), RITA is responsible for coordinating UTC Program activities and for reviewing and evaluating the UTCs on an annual basis. The Grantee shall provide the information required by RITA in its *Reporting Requirements for University Transportation Centers* and such other information as RITA may occasionally request in order to fulfill this responsibility.

III. SPECIFIC PROGRAMMATIC REQUIREMENTS

Approvals discussed below shall be issued by a Grant Administrator in RITA's University

Transportation Centers Program office.

1. **Change in Center Director.** RITA's decision to award a UTC Grant to a Grantee is based to a considerable extent upon its evaluation of the proposed Center Director's knowledge of the field of study and his/her capabilities to lead a University Transportation Center. Should the Grantee become aware that the Center Director will: 1) devote substantially more or less effort to the Center than had previously been communicated to RITA; 2) sever his or her connection with the Grantee; or 3) otherwise relinquish active direction of the UTC, the Grantee shall promptly notify RITA. Prior written (e-mail recommended) approval by RITA is required for any temporary or permanent replacement of the Center Director. In the absence of an approved Center Director, RITA may choose to negotiate an appropriate modification to the Grant or to begin termination procedures.
2. **Equipment.** A written (e-mail recommended) request for prior approval from RITA is required to purchase equipment that has a unit cost of \$5,000 or more. Unless otherwise requested by the Grantee, all legal rights to equipment purchased with UTC funds shall vest in the Grantee upon acquisition.
3. **Foreign Travel.** A written (e-mail recommended) request for prior approval from RITA is required for travel outside of the United States and its territories. In order to be approved, the need for the proposed foreign travel and the value to be gained by the University Transportation Center must be clearly demonstrated. Requests for approval shall include a written justification that states the name and relationship of the traveler to the UTC, describes how the travel will further the goals of the UTC Program, provides a detailed itinerary and breakdown of planned expenses, and carries the endorsement of the Center Director. No requests submitted after the travel has begun will be approved. Inclusion of an amount for foreign-travel costs in a UTC's approved budget does not satisfy the requirement for prior approval.
4. **Student Support.** Grant funds may be used to provide funding to students who conduct activities necessary to the fulfillment of the UTC's research program. Such funding provided to a student, which may be in the form of wages or tuition support, must be compensation for work performed on a UTC research project that has been selected through a peer-review process. This shall be the same peer-review process through which all the UTC's projects are chosen. This type of funding to students is considered to be compensation paid as, or in lieu of, wages for work as described in Section J.45 of OMB Circular A-21.
5. **Citizenship of Students.** Students under consideration for honorary programs such as the UTC Student of the Year Award, must be U.S. citizens or permanent residents of the United States. There will be no exceptions to this policy.
6. **Consultant Services.** The Grantee is expected to utilize the services of its own officers or employees to the maximum extent in managing and performing the activities supported by this Grant. Where it is necessary for the Grantee to enter into a subaward for the services of persons

who are not its officers or employees, it is expected to do so in accordance with written organizational standards which provide for consideration of the factors outlined in the government cost principles.

7. **Membership in CUTC.** DOT is a frequent collaborator with the Council of University Transportation Centers (CUTC), a private, not-for-profit organization that works to improve and enhance university research and education in transportation and related areas. CUTC's membership includes many of the leading university-based transportation programs in the United States. In recognition of the forum that CUTC provides to its member universities to interact with each other and to promote national interest in transportation research and education, CUTC membership dues and necessary costs for travel to CUTC membership meetings are allowable costs under this Grant.

8. **Project and Budget Changes.** The Grantee shall obtain prior written approval from RITA before making any significant changes in the scope or objectives of the Grantee's application for funding under this Grant. The Grantee shall also obtain prior written approval from RITA for transfers of funds among direct-cost budget categories if the cumulative amount of such transfers exceeds 10 percent of the UTC's approved total budget.

9. **Meals and Coffee Breaks.** Unless expressly forbidden by the Grantee's internal policies, the costs of modest meals and beverage services at meetings or conferences are allowable under this Grant if the meetings are attended by persons other than the Grantee's officers or employees. Such costs shall be deemed by the Center Director to be an integral and necessary part of conducting business at that meeting and to be reasonably priced. No funds available under this Grant may be spent on alcoholic beverages.

10. **Financial Management.** The Grantee's financial management systems shall provide for accurate, current, and complete disclosure of the UTC's finances. Financial records shall identify the source and use of all funds and shall show effective control over and accountability for all funds, property, and other assets.

11. **Payments.** Federal grant and other programs involving advances to various organizations outside the Federal government constitute a significant portion of the Federal budget. Advances of cash from the U.S. Treasury to such organizations for the purpose of financing current operations under Federal programs have a substantial impact on Treasury financing costs and the level of the public debt. For that reason, payments to the Grantee shall reimburse expenses incurred and shall limit advances to the actual, immediate cash requirements of the Grantee in carrying out the purpose of the Grant. The timing of payments shall be as close as is administratively feasible to actual disbursements, and the Grantee shall receive payments through electronic fund transfers by the Automated Clearing House Payment System or by another electronic system that may replace it during the life of the grant.

As of the date of this document, RITA requires the Grantee to request payment by submitting a single, paper copy of the Standard Form 270 Request for Advance of

Reimbursement to:

Ms. Terri King
USDOT/RITA
P. O. Box 268861
Oklahoma City, OK 73126-8861

RITA recommends that Grantees submit requests for payment on a quarterly basis.

12. **Site Visits.** The Federal government, through its authorized representatives, has the right, at all reasonable times, to make site visits to review UTC Program accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by the Federal government on the premises of the Grantee or any subgrantee, the Grantee shall ensure that all reasonable facilities and assistance are provided for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner as will not unduly delay the Grantee's work.

13. **Collaboration with DOT's Priorities.** To encourage the transfer of knowledge and a current understanding of national transportation priorities, RITA intends to promote a high level of communication and collaboration between the Grantee and DOT and its operating administrations under this Grant. RITA expects to ask Grantees to participate in occasional meetings of UTC and/or DOT experts on high-priority topics. Reasonable costs incurred by a Grantee to support these interactions with DOT, unless otherwise restricted by Federal grant regulations, are allowable under this Grant.

14. **Patents and Copyrights.**

a) **Patent Rights.** The Grantee shall notify DOT promptly if any patentable invention(s), improvement(s), or discovery/discoveries are produced under this Grant. The rights and responsibilities of the Grantee and the Federal government with respect to such patentable items will be determined in accordance with applicable Federal laws, regulations, policies, and any waiver thereof.

b) **Copyrights.**

i) The author or the Grantee organization may copyright any books, publications, or other copyrightable materials developed in the course of or under this Grant, but DOT hereby reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use the work for government purposes.

ii) The Grantee shall not incorporate material copyrighted by others into any work product delivered under this Grant unless it has acquired for DOT a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use the work for government purposes.

iii) The Grantee may arrange for publication of initial reports of original research, supported in whole or in part by DOT funds, in primary scientific journals and copyright by the journal unless the journal's copyright policy would preclude an individual from making or

having made by any means available, without regard to the copyright of the journal and without royalty, a single copy of any such article for the individual's own use.

iv) The Grantee shall be responsible for any losses that result from or arise out of the negligent use of or breach of provisions by its employees or agents under this Grant regarding the publication, translation, reproduction, delivery, use, or disposition of any data or protected privacy information furnished under this Grant provided that this provision shall not be deemed a waiver by Grantee of any immunities to which it may be entitled under applicable Federal, State, or Tribal law.

15. **Collection of Data.** The Grantee may use funds awarded under this Grant to collect information incidental to a UTC activity, but such collection of information is not considered DOT-sponsored. Persons collecting such information are prohibited from representing to their respondents that the information is being collected for, or in association with, the Federal government except with RITA's prior written approval and determination that the information collection complies with the OMB report clearance procedures set forth in 5 C.F.R. Part 1320, "Controlling Paperwork Burdens on the Public."

16. **Privacy.** Should the Grantee, or any subgrantee, contractor, or employee administer any system of records on behalf of DOT, the Privacy Act of 1974, 5 U.S.C. 552a, imposes information restrictions on the party administering the system of records.

17. **Civil Rights.** The Grantee shall not discriminate against any employee or other recipient of DOT funds or applicant for such positions because of race, color, creed, sex, sexual orientation, disability, age, or national heritage. The Grantee shall take affirmative action to ensure that all applicants and employees are treated equally, without regard to their race, color, creed, sex, sexual orientation, disability, age, or national heritage. The Grantee may target minorities and women as beneficiaries of Center programs for the purposes of achieving diversity, but they may not exclude non-minorities and men from those same programs.

a) **Subgrants and Contracts.** The Grantee shall insert the foregoing provisions, modified as necessary to identify the affected parties, in any subgrant or third-party contract implementing UTC Program activities.

b) **Compliance.** In the event of the Grantee's non-compliance with the Civil Rights provisions of this Grant or with the applicable rules, regulations, or orders, this Grant may be canceled, terminated, or suspended, in whole or in part, and the Grantee may be declared ineligible for further Federal funding.

i) The Grantee shall furnish all information and reports required by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by DOT and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

ii) The Grantee shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), with DOT regulations entitled, "Nondiscrimination in Federally-Assisted

Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964," 49 C.F.R. Part 21, and any other applicable regulations issued pursuant thereto.

18. **State or Territorial Law.** Anything in the Grant to the contrary notwithstanding, nothing in the Grant shall require the Grantee to observe or enforce compliance with any provision thereof, perform any other act, or do any other thing in contravention of any applicable State or territorial law; provided, that if any of the provisions of the Grant Agreement violate any applicable State or territorial law or if compliance with the provisions of the Grant would require the Grantee to violate any applicable State or territorial law, the Grantee will at once notify RITA to the end that the Grantee may proceed as soon as possible with the program.

19. **Ethics.** The Grantee shall maintain a written code or standards of conduct that shall govern the performance of its officers, employees, board members, or agents engaged in the award and administration of subgrants or contracts supported by Federal assistance. This code shall prohibit the Grantee's officers, employees, board members, or agents from any acts that present a real or apparent conflict of interest for any person or organization participating in the UTC Program.

a) **Lobbying.** The Grantee shall comply with the provisions of 31 U.S.C. 1352 as implemented by DOT regulations in 49 C.F.R. Part 20, "Restrictions on Lobbying."

b) **Interest of Certain Federal Officials.** No member of, or delegate to, the Congress of the United States of America shall be admitted to any share or part hereof or to any arising benefits.

c) **Bonus or Commission.** The Grantee affirms that it has not paid, and agrees not to pay, any bonus or commission for the purpose of obtaining approval of its application for Federal financial assistance for this Project.

20. **Certifications and Assurances.** The Grantee shall comply with all required assurances and certifications. These shall be submitted to RITA when applying for a Grant, and then as part of the process of modifying that Grant if any additional funding is made available through the Congressional authorization and appropriations processes.