

NOFA D2008-Title VI DBE ADA TCR-0002

Notice of Funding Availability (NOFA): Request for Proposals

ACTION: Notice; Request for Proposals for Technical Support to the FTA Office of Civil Rights to Organize Stakeholder Outreach Events

SUMMARY: This solicitation is for proposals for one cooperative agreement to organize between three and five workshops for recipients and subrecipients of Federal Transit Administration (FTA) funding. The workshops, which will be held in FTA regions over an eighteen month period, will inform FTA grantees, FTA regional staff, and other stakeholders of recent changes to Department of Transportation (DOT) and FTA civil rights policies and help FTA grantees comply with existing and updated requirements. In addition, the workshops will be used to research promising and effective practices that recipients have adopted to comply with civil rights requirements. The total available funding for this agreement is \$250,000.

DATES: Proposals must be submitted electronically by August 31, 2008. Anyone intending to apply should initiate the process of registering on the <http://www.grants.gov> website immediately to ensure completion of registration before the deadline for submission.

ADDRESSES: Proposals must be submitted electronically to <http://www.grants.gov>. Grants.Gov allows organizations to electronically find and apply for competitive grant opportunities from all Federal grant-making agencies. Grants.Gov is the single access point for over 1,000 grant programs offered by the 26 Federal grant-making agencies. Anyone intending to apply should initiate the process of registering on the <http://www.grants.gov> website immediately to ensure completion of registration before the deadline for submission.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra McCrea at (202) 366-4018 or sandra.mccrea@dot.gov.

I. Funding Opportunity Description

SUMMARY

The objective of this cooperative agreement is to organize three to five workshops in FTA regions to educate FTA grantees, regional staff, and other stakeholders on recent changes to DOT and FTA civil rights policies. After completing a workshop participants will have a better understanding of civil rights policies and the procedures that the FTA Office of Civil Rights uses to monitor and evaluate compliance. Participants should also be better equipped to ensure that their agency is complying with civil rights provisions and should have a better appreciation of the role of civil rights in transportation.

This cooperative agreement will also allow FTA to research and disseminate promising and effective practices that FTA grantees have implemented in order to meet the agency's civil rights requirements.

BACKGROUND

The Federal Transit Administration (FTA) of the U.S. Department of Transportation (DOT) provides financial assistance to local transit agencies, State departments of transportation and metropolitan planning organizations. The FTA Office of Civil Rights works to ensure accessible and non-discriminatory transportation, in support of FTA's mission to enhance the social and economic quality of life for all Americans.

The Office of Civil Rights is responsible for monitoring and enforcing compliance with the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) policies, and the Federal Transit Administration's Equal Employment Opportunity (EEO) policies. The Office complements its monitoring and enforcement activities with technical assistance and stakeholder outreach. By conducting regular outreach events, the FTA Office of Civil Rights ensures that grantees have the knowledge, skills, and abilities to monitor their own activities. In addition, outreach events help grantees identify and address civil rights deficiencies before they transform into complaints, lawsuits, or findings on an FTA oversight review.

As Federal Civil Rights policies continue to evolve, the FTA Office of Civil Rights seeks to continue its stakeholder outreach to ensure that its grantees understand and can comply with new or modified directives. The following modifications to or clarifications of civil rights policy or guidance have taken place in recent years or are anticipated to occur in the near future:

1. On February 27, 2006 the DOT issued a notice of proposed rulemaking (NPRM) to amend the DOT ADA Regulations at 49 CFR Parts 27, 37, and 38. The NPRM signals the department's intent to include in its ADA regulations provisions requiring transportation providers to make reasonable modifications to their policies and practices to ensure program accessibility. Also per the NPRM, DOT would modify the ADA regulations to clarify that transportation providers seeking to provide level-entry boarding from rail stations to rail vehicles should provide this service in the most integrated setting that is readily achievable. A final rule is expected to be published in FY 2009.
2. In addition to the changes proposed in the NPRM, the Department's Disability Law Coordinating Counsel has recently issued guidance that clarifies how the DOT ADA regulations apply to: 1) full-length, level-boarding platforms in new commuter and intercity rail stations; 2) origin to

- destination service; 3) paratransit requirements for Section 5311-funded fixed route service operated by private enterprises; and 4) use of "Segways" on transportation vehicles.
3. Over the past six years, the FTA Office of Civil Rights has completed more than 50 assessments of grantees' compliance with the ADA complementary paratransit, stop and external announcement, and lift reliability and maintenance provisions of the DOT ADA regulations. In the course of conducting these reviews, the Office of Civil Rights has provided guidance to grantees on an ad-hoc basis on how it interprets specific provisions of the ADA regulations.
 4. The FTA has revised its Title VI circulars which provide guidance on how FTA recipients and subrecipients should comply with the DOT Title VI regulations at 49 CFR Section 21 and the Federal Transit Laws. This circular had not been updated since 1988. FTA revised this document to reflect relevant laws, executive orders, court cases, and agency directives that have affected Title VI the past 20 years, and to better reflect changes industry practices and to assist grantees in preventing or resolving civil rights complaints and lawsuits. Final versions of the new Circulars was published in May 2007.
 5. On December 14, 2005, the U.S. Department of Transportation issued "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons." This document updated previous guidance, issued in January 2001, on how grantees should provide language assistance to persons who do not speak or understand English well or not at all.
 6. In the 2005 *Western States* decision, the U.S. Court of Appeals for the 9th Circuit held that the Disadvantaged Business Enterprise (DBE) Program administered by the Washington State Department of Transportation was not narrowly tailored because the evidence of discrimination supporting the use of race-conscious measures in the program was inadequate. This decision affects all FTA grantees in the 9th Circuit, requiring them to reevaluate their DBE Programs and their use of race-conscious goals. FTA's March 23, 2006 Federal Register Notice (FRN) provides information on the procedures that FTA will employ as a review process for DBE goal submissions to FTA from 9th Circuit grantees with regard to: race-neutral submissions, the evidence-gathering process to determine evidence of discrimination or its effects in a grantees' market, and action plans for disparity/availability studies or other appropriate evidence gathering processes.

In the process of modifying its regulations or guidance documents DOT has reached out to stakeholder groups and the public at large in order to explain its

rationale for making policy changes, seek input from interested parties, and ultimately produce directives that will be accepted by all. This public involvement notwithstanding, the FTA Office of Civil Rights recognizes that many individuals and organizations will have questions on how to interpret and abide by the updated directives. In order to respond to this need, we intend to hold a series of workshops that will clarify our new policies and discuss effective practices for compliance.

OBJECTIVES

The proposed activity will:

1. Support FTA's vision of thriving communities that grow around transportation.
2. Support FTA's objective of conducting research that will identify solutions to provide public transportation for targeted populations, such as people with disabilities and older adults.
3. Support FTA's efforts to ensure recipients comply with applicable civil rights requirements.

OVERVIEW OF THE WORKSHOPS

Each workshop will last three days, with one day devoted to updates on Americans with Disabilities Act policies, one day devoted to updates on Title VI guidance, a half-day devoted to updates on Equal Employment Opportunity guidance, and a half-day devoted to updates on Disadvantaged Business Enterprise policies. The envisioned schedule for each workshop is as follows:

1. Monday: Selected FTA staff and cooperative agreement recipient staff arrive and prepare for the workshop.
2. Tuesday: Workshop begins. The entire day consists of presentations on DBE.
3. Wednesday: The entire day consists of presentations on Title VI.
4. Thursday: The entire day consists of presentations on ADA. Workshop adjourns.

The FTA Office of Civil Rights will prepare a detailed agenda for each workshop. Participants will include FTA regional office planning and grants management staff (who would be selected and would attend at the discretion of the Regional Administrator), representatives from FTA's grantees in each region and, in the case of the sessions on ADA, members of the disability community. For those grantees with staff that specialize in a particular civil rights area, it is our expectation that these individuals would attend only the day(s) of the workshop that pertain to their issue area. Those staff who are responsible for all aspects of civil rights compliance may attend the entire workshop. No more than 60 participants (not including civil rights staff) shall attend each workshop.

The FTA Office of Civil Rights will not charge attendance fees and will provide a limited number of scholarships for grantees and members of the disability community to attend. Scholarships will be determined on the basis of need.

Each workshop will take place in conference space offered by a hotel in the city where FTA's has selected located. FTA will reserve a block of hotel rooms in the same hotel to facilitate participation.

TASKS

Task 1: Coordinate with FTA Office of Civil Rights/Develop Work Plan and Schedule

1.A. The recipient shall develop a work plan and schedule that will identify contractor and staff assignments for organizing the workshops.

1.B. Fifteen (15) days after receiving the notice to proceed from TCR, the recipient shall forward a work plan to the FTA project manager. The work plan shall include the following:

- Specific procedures for the workshop organizing that each member of the recipient's team will follow.
- Identification of personnel assigned to specific tasks, their backgrounds and prior qualifying experiences, and responsibilities during this project;
- Explanation of the recipient's quality control procedures; and
- A schedule for conducting the research and analysis;

Task 2: Determine dates and locations for each workshop

2.A. The recipient shall coordinate with TCR and with FTA regional offices to select the FTA regions where the workshops will be held and to select a block of dates for each workshop.

2.B. The recipient shall use the following factors to select workshop dates:

- Dates where the FTA regional office is already planning an event for its grantees should be given high priority for the civil rights workshops, in order to allow grantees to make one trip for multiple purposes.
- Dates where the regional administrator is available to make introductory remarks on the first day of the workshop should be given priority.
- The workshops should ideally be spaced one month apart with no more than two workshops occurring in the same month.
- All of the workshops should take place within the twelve-month period of performance.
- Workshops should not be scheduled on weekends, weeks with a Federal holiday or during the last two weeks of December.

2.C. The recipient shall forward to the FTA project manager for his/her review and approval a preliminary schedule of workshop dates. This preliminary schedule should be provided within fifteen (15) days following FTA acceptance of the final work plan. A final workshop schedule shall be issued within ten (10) days of receiving FTA comments on the preliminary schedule.

Task 3: Reserve Facilities and Lodging for each workshop

3.A. The recipient shall reserve meeting space and a block of rooms at a hotel to coincide with the dates established for each workshop.

3.B. The recipient shall select workshop facilities and lodging according to the following criteria:

- Facilities should be located in within ½ mile of a transit station.
- Facilities should have available a meeting space that can seat 60 people as well as one breakout rooms that can seat 50 persons each.
- Conference space, hotel rooms, and other space in the facilities must be accessible to people with disabilities.
- Facilities should allow FTA to release back to the hotel any rooms in the reserved block that have not been filled.
- Facilities should offer the Federal government lodging rate as well as a discounted rate for reserving a block of rooms.

3.C. For each workshop, the recipient shall reserve the following items:

- A meeting space that can seat 60 people as well as one breakout rooms that can seat 30 persons each. The large group meeting space should include a head table, round tables with chairs or a classroom style set-up. The breakout space should also include tables and chairs.
- A block of 35 rooms for participants and FTA staff.
- Audiovisual equipment, including a power point projector and screen, a television, and DVD player, a podium with microphone, and two hand-held microphones.
- Six (6) flip-charts with magic markers.
- A continental breakfast buffet to be served each morning of the workshop and snacks to be served each afternoon of the workshop.

3.D. Prior to reserving space at facilities, the recipient shall provide a preliminary facilities list to the FTA Project Manager for his/her review and approval. This list shall be provided within fifteen (15) days following FTA acceptance of the final workshop schedule. Final reservation shall be made within ten (10) days of FTA approval of the preliminary facilities list.

Task 4: Prepare letters inviting grantees and other stakeholder groups to the workshops.

4.A. For each workshop, the recipient shall draft a letter inviting FTA grantees in each region and members of the disability community to attend the workshops. The letter shall be from the Director of the Office of Civil Rights and emailed by the FTA Regional Civil Rights Officers to grantees in their region.

4.B. The recipient shall draft a letter that describes the purpose of the workshop, states the time and place of the event, notes that scholarships will be available on a limited basis to cover the cost of attendance, and establishes a registration deadline (which should generally be two weeks prior to the start date of the workshop). The letter shall also include a preliminary agenda, a registration form, and instructions on how to apply for the scholarships. Participants shall be instructed to return the registration form to the contractors.

4.C. The recipient shall provide these letters, with attachments, to the FTA project manager within fifteen (15) days following FTA approval of the facilities list.

Task 5: Maintain records of participants and conduct follow-up activities

5.A. The recipient shall maintain files of persons who have registered for each conference and shall provide regular updates to FTA on the registrees.

5.B. The recipient shall establish a registration binder for each workshop and shall include Registration forms in the appropriate binder as they are received.

5.C. The recipient shall provide updated attendance lists for each workshop to the FTA Project Manager every 30 days between the date the letters are issued and the date of the workshop.

5.D. The recipient shall respond to participants who contact them with questions concerning the workshop agenda or who encounter problems registering at the hotel.

5.E. For persons who register for a workshop after the registration deadline, the recipient shall consult with the FTA Project Manager and, upon confirmation, inform the late registers that there is not space remaining at the workshop.

Task 6: Administer scholarships for the workshops

6.A. The recipient shall assist FTA with providing selected grantee representatives with scholarships to attend the workshops.

6.B. The recipient shall evaluate requests for scholarships submitted by the grantees and members of the disability community and make a recommendation on which entities should receive the scholarships. The evaluation and

recommendation shall be made on the basis of entities' responses to the scholarship request form that will be transmitted along with the invitation letter.

6.C. The recipient shall submit a list of scholarship recommendations for each workshop no later than sixty (60) days prior to the start date of each workshop.

6.D. Once FTA has approved the proposed scholarship list, the recipient shall inform the scholarship winners that they have been selected for funding and facilitate payment of their travel and lodging costs.

Task 7: Prepare workshop materials

7.A. The recipient shall compile one training binder for each workshop participant. Binders shall include tabs for each civil rights area (ADA, Title VI, EEO, and DBE) as well as Appendices for these four areas. Recipients shall include in each binder materials provided by the FTA Office of Civil Rights as well as a workshop agenda, a list of participants, and an evaluation form.

7.B. The recipient shall prepare nametags for each participant, which shall include the participant's name and organizational affiliation.

7.C. Binders and nametags for each workshop shall be completed no later than seven (7) days prior to the start date of each workshop. FTA will take delivery of these items at the location of each workshop.

Task 8: Attend the workshops

8.A. The recipient shall attend the workshop to coordinate registration activities, act as a liaison between FTA staff and workshop facility staff, and record examples of effective practices in civil rights compliance identified by FTA grantees.

8.B. The recipient shall arrive at the workshop facility one day prior to the start of the workshop and confirm with the facility staff that conference space, equipment, and food will be provided per the instructions in the reservation.

8.C. The recipient shall manage the registration table on the mornings of each workshop and consult with facility staff on an ad-hoc basis as any issues arise.

8.D. The recipient shall take notes during full-group and small group breakout sessions and identify effective and promising practices in compliance with the ADA, Title VI, EEO, and DBE that are discussed by attendees and FTA staff.

8.E. The recipient shall disseminate and collect evaluations from participants during or after the workshop.

Task 9: Prepare summary reports of each workshop

9.A. The recipient shall produce a summary report of each workshop. The report should include a copy of the agenda, list of attendees, and summary of evaluations and a summary of effective practices in civil rights compliance that were discussed.

9.B. The report on each workshop should be delivered to the FTA project manager within 60 days of the completion of each workshop.

Task 10: Prepare a synthesis report on the workshops

10.A. The recipient shall produce a document that summarizes all of the workshops held during the period of performance and summarizes the effective practices in civil rights compliance that were discussed. This report should highlight and describe those practices that are used most frequently

10.D. The synthesis report should be delivered to the FTA project manager within 60 days of the completion of the last workshop in the period of performance.

Task 11 Provide Monthly Progress Reports

11.A. The recipient shall prepare and submit monthly progress reports and submit them to the FTA program manager by the 15th calendar day of each month. The monthly progress report shall include:

- A listing of all tasks initiated and completed, including the following information for each task: estimated percentage of completion, scheduled or actual completion dates for each milestone related to the overall work statement.
- A narrative discussion of work planned for the next month.
- An evaluation of significant problems encountered in meeting deadlines, including problems with respect to expenditures or potential cost overruns to the budget, and the overall allocation of resources.

II. Award Information

FTA will fund one cooperative agreement for a 18-month award. Funding for the cooperative agreement under this program will be \$250,000 which will cover the recipient's expenses as well as costs of facilities and equipment reservation, materials, and scholarships to workshop participants. Applicants should specify what amount and percentage of the award will be reserved for their costs and what amount and percentage of the award will be set aside for facilities and equipment reservation and scholarships.

The FTA will participate in activities by attending review meetings, commenting on technical reports, maintaining frequent contact with the project manager and approving key decisions and activities any redirecting activities if needed.

Cost sharing or matching

FTA funds are available for proposals at up to 100 percent of the project cost. However, cost sharing will be an evaluation criterion.

III. Eligibility Information

Eligible recipients include public and private universities, non-profit organizations, consultants, legally constituted public agencies, and private for-profit organizations.

IV. Proposal Content

This announcement includes all of the information that you need to apply. The following forms are available in grants.gov and are required to be completed:

1. SF 424 Mandatory
2. Other Attachments Form. See below for the required list of additional attachments.

SF 424 Mandatory

Most of SF 424 is self explanatory. The application should answer the following items as follows:

- 1a – Application
- 1b – Annual
- 4a – Leave blank
- 4b – 26

Other Attachments Form:

The applicant should include the following attachments in its proposal:

1. A technical management plan, which includes the number of workshops the recipient proposes to organize as well as the management approach for planning, administering, coordinating, and conducting the work effort. Technical management plans shall be limited to 5 pages.
2. A description of key personnel, including biographies.
3. A description of past performances on activities relevant to the proposed work.
4. A brief proposal for cost sharing
5. A project budget, which specifies the amount and proportion of the award that will pay for the recipients' costs, the amount and proportion of the award that will pay for facilities and materials, and the amount and proportion of the award that will pay for participant scholarships.

V. Application Review Information

A review panel will be convened to review each proposal. Project proposals will be evaluated based on the following criteria, which will receive equal weight in the evaluation:

1. The number of workshops the recipient proposes to organize (recipients should propose no fewer than five workshops and may propose up to eight workshops. The greater number of workshops that are proposed, the higher the applicant's score will be in this area).
2. Qualification of key personnel, which includes knowledge of and prior experience on workshop organizing, knowledge of and prior experience on civil rights issues, and experience with providing reasonable accommodations for persons with disabilities.
3. Past performance on activities relevant to proposed work.
4. The applicant's technical management plan.
5. The applicant's cost-sharing proposal. (The greater the amount of financial or in-kind contributions that the applicant proposes as a local match, the higher the applicant's score will be in this area).
6. The applicant's technical management plan.
7. The applicant's proposed budget. (The greater the amount of the award that will be devoted towards scholarships for recipients, the higher the applicant's score will be in this area).

VI. Award Administration Information

The anticipated notification date for the award of this cooperative agreement is September 2008 with an anticipated start date for the successful applicant by the second quarter of FY 2009.

The Director of the FTA Office of Civil Rights will notify the successful entity. Following receipt of the Director's notification letter, the successful entity will be required to submit the Formal Application as outlined in Chapter II (Items 10-25) of FTA Circular 6100.C: Transit Research and Technology Programs: Application Instructions and Program Management Guidelines (located at http://www.fta.dot.gov/laws/circulars/leg_reg_4121.html) through the FTA Transportation Electronic Award Management (TEAM) system website.

FTA will manage the cooperative agreement through the TEAM system website. Before FTA may award Federal financial assistance through a Federal grant or cooperative agreement, the entity must submit all certifications and assurances pertaining to itself and its project as required by Federal laws and regulations.

Since FY 1995, FTA has been consolidating the various certifications and assurances that may be required of its awardees and the projects into a single document published in the Federal Register. FY 2008 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements and guidelines will be published in the Federal Register and posted on the FTA website at <http://www.fta.dot.gov>.

Recipients will be required to manage their projects in accordance with FTA Circular 6100.C: Transit Research and Technology Programs: Application Instructions and Program Management Guidelines at http://www.fta.dot.gov/laws/circulars/leg_reg_4121.html. This includes requirements on project management and administration, including quarterly reporting, financial management, and payment.