



PORT INFRASTRUCTURE GRANT WORKSHOP FOR INLAND WATERWAY GREAT LAKES AND PORTS

Ramp-up to Signing Your Grant Agreement

November 21, 2024

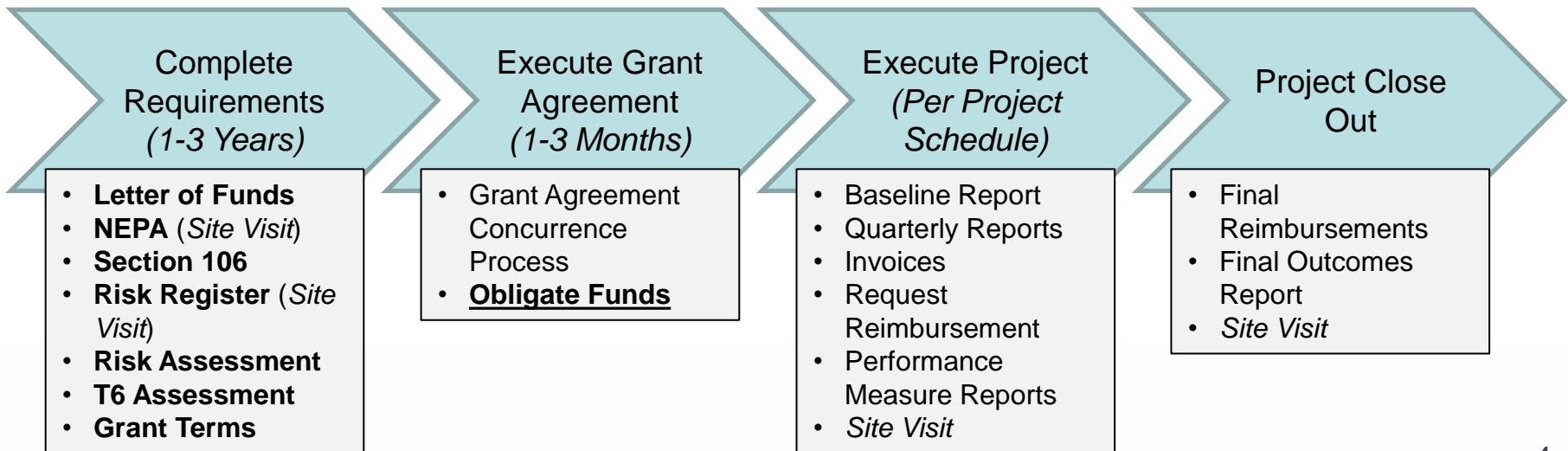
MARAD

U.S. MARITIME ADMINISTRATION



- Introductions
- Pre-Award Phase Requirements
- Grant Agreement Process
- Federal Laws and Regulations
- Initial Action Items
- MARAD Coordination (Project Team POCs)
- Reminders / Helpful Tips
- Discussion / Q&A

- Complete all pre-award phase milestones
- Grant Agreement Concurrence Process
 - MARAD Department Heads' review and concurrence; send approved grant agreement to Recipient for signature
 - Recipient signs, sends to MARAD
 - MARAD signs – **OBLIGATES FUNDS**
- Post-Award / Execute the project
 - Kick Off meeting
 - Reporting requirements
- Close out



- **Federal Procurement Standards**
 - 2 C.F.R. 200.317-327: The acquisition of goods and services must follow these procurement standards.
 - 2 C.F.R. 200.319-320: All procurement transactions for the acquisition of property or services must be conducted in a manner providing full and open competition consistent with these standards.
- **General Terms and Conditions and Exhibits**
 - Must be included in any bid document to your vendors and flow-down to consultants, contractors and all sub-contractors
 - Refer to Exhibits for applicable provisions to this award
- **Asset Ownership and Disposal (2 C.F.R. 200.313)**
 - Federal Dollars necessitates vested interest with the Federal Government
 - Only use equipment for its intended purpose per the grant agreement
 - Management Requirements: Maintain Property Records; Physical inventory updates every two years; Control/safeguarding systems in place
 - Disposition: Request instruction from MARAD (Form SF-428);
 - Sell the asset (new CFR limit of \$10,000 for Federal reimbursement purposes)
 - Transfer the asset to another Federally sponsored project
 - Replace the asset

- **Build America, Buy America Act**

- Build America, Buy America Act, Pub. L. No. 117-58, div. G, tit. IX, subtit. A, 135 Stat. 429, 1298 (2021) and 2 C.F.R. 184, as implemented in the terms and conditions and exhibits of the grant agreement.
- Coordinate further with MARAD project team regarding De Minimis waivers, waivers in general, requirements.

- **Davis-Bacon Act*:**

- Minimum Wage Rates: The Davis-Bacon Act ensures fair wages will be paid to all labor, contractors, skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids.
- In all contracts in excess of \$2,000 for work on the project that involves labor.
- Ensure all sub-contractors are aware of this requirement.
- For further clarification and definitions including:
 - General wage determinations
 - Project wage determinations
 - Modifications to wage determinations
 - Apprentices, trainees, and helpers
 - [Department of Labor FAQ's](#)

**Generally N/A for planning grant, however, it may be possible that certain activities under a planning project, such as Geotech investigations, may fall under an applicable contract)*

• **Civil Rights Obligations and Nondiscrimination Laws**

- As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act.
- To receive funds, the Recipient should, as applicable:
 - Have a current Title VI plan;
 - Complete a Community Participation Plan;
 - A plan to address any legacy infrastructure or facilities that are not compliant with ADA standards;
 - Sign the standard DOT Title VI Assurances (included in the exhibits to the grant agreement).
- MARAD's Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements before funds obligation.
- Separate webinars will be conducted for Title VI requirements immediately following Thanksgiving.

- NEPA: MARAD Environmental Protection Specialist
 - Recommend Recipients hire a NEPA consultant as soon as possible
- Section 106: Adam Sutherland
 - Environmental Consultants will often perform the Cultural Consultation work as well
- Engineering Risk Register: MARAD Engineer
- Title VI Assessment: MARAD Office of Civil Rights (OCR)
 - Greg Danis and Carlton Cosby
 - Will provide templates, examples, checklists, etc
- Grant Agreement
 - Recipient will receive a first draft from MARAD/DOT
 - Continue negotiations with GMS

Communication with MARAD POCs can run concurrently. Recommend Recipient authorize direct communication between consultants and MARAD POCs but CC Recipient and MARAD grant manager

- Follow-up from MARAD Team members
 - NEPA: Determine NEPA action for the project
 - Section 106: Determine whether consultations are required based on scope
 - Title VI: Coordinate with MARAD's OCR
 - Engineering: Coordinate with MARAD Engineer
 - Grant Agreement: Begin negotiations with GMS; set up recurring meetings

- Site Visits
 - NEPA and Engineer (TBD)

- Miscellaneous
 - MARAD Grant Manager will send General Terms & Conditions and Exhibits

- **Do NOT incur any project costs without MARAD/OST approval prior to grant execution**
 - Grantees are generally prohibited from incurring any project costs before grant agreement execution without written MARAD/OST pre-award approval pursuant to 2 CFR § 200.458.
 - If you wish to expend funds to be included as future eligible project costs, please notify MARAD as soon as possible.
- **Do NOT begin any construction activities prior to NEPA completion / grant execution**
 - No construction (i.e., activities that disturb the land) can take place prior to NEPA completion or you risk jeopardizing your entire Federal award.
 - Certain activities, such as field surveys, studies, and/or investigations that require minimally invasive environmental disturbances may be permitted only with prior notification to and approval from MARAD.
 - After NEPA completion but before grant agreement execution, construction activities can only begin with prior written approval by the USDOT.
- **Recommend hiring a NEPA consultant as soon as possible**
 - Begin coordination with MARAD prior to grant application and Federal Award
- All contracts associated with the approved grant project scope and budget must comply with Federal Procurement Standards

Questions?

