

Welcome Aboard!

Congratulations on your selection to receive a Port Infrastructure Development Program (PIDP) FY 2024 grant award. Now that you have been selected for an award, the Maritime Administration (MARAD) would like to move towards executing a grant agreement and fully obligating the funds as soon as possible, so that you may begin work on your project. To that end, we have created this document to provide some early guidance on what the next steps will be as well as provide pertinent information that you need to know regarding the goals, expectations, and requirements for managing your grant.

Next Steps

1. Kick-off webinar to provide an overview of the program, including background and details related to scope, schedule, and budget.
2. Initial call between the MARAD and recipient team members.
3. Complete pre-award Federal requirements, including:
 - a. National Environmental Policy Act (NEPA) review,
 - b. Section 106 of the National Historic Preservation Act (NHPA) consultations,
 - c. Recipient's Letter of Funds Availability, and
 - d. Title VI Assessment, as applicable.
4. Develop scope, schedule, budget, and any other areas requiring Recipient input in the draft grant agreement.

Estimated Grant Agreement Execution Process Timeline:

Action	Responsible Entity	Estimated Time
Kick-Off Webinar	MARAD	Within one month of receiving this document
Initial team meetings	MARAD	Within 2 months of receiving this document
Complete NEPA	Recipient and MARAD	5-20 months
Complete Section 106 of NHPA	Recipient and MARAD	5-20 months
Title VI Assessment	Recipient	6-9 months
Letter of Funds Availability	Recipient	Any time before grant execution, but should not be submitted until after the project budget is finalized
Execute Grant Agreement	Recipient and MARAD	1-4 months after NEPA completion
Estimated total time until Grant Execution		6-24 months

Point of Contact:

Your grant will be assigned to a Grant Management Specialist. This person serves as the primary point of contact for your grant until grant execution. Your Grants Manager should be the first person you contact when questions or issues related to your grant arise, as well as when technical

assistance, clarification, or other resolution is needed. Your Grants Manager will provide a full list of the contacts related to your project.

Before grant agreement execution, you should:

1. Assist MARAD in the NEPA review process – All grant projects must undergo a NEPA review before execution of the grant agreement, even those projects that will result in a Categorical Exclusion class of action. Review the environmental documents when provided by the MARAD Office of Environmental Compliance and start to formulate the action plan to complete the required documentation as soon as possible. If your project will require consultation or coordination with other service agencies (e.g., National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (FWS)), please begin that process as early as possible to avoid delaying the NEPA process.
2. Assist MARAD in the NHPA Section 106 consultation process – Section 106 requires MARAD to identify and assess the effects its actions may have on historic properties. Please review your project and what may be required to complete this process. The MARAD National Historic Preservation Officer will help with this requirement.
3. If your project includes a non-Federal cost match, submit to MARAD your non-Federal match documentation – MARAD requires that you provide a letter of match commitment confirming that the non-Federal match outlined in your application is secured and dedicated to the project. We cannot execute a grant agreement without this funding commitment letter. MARAD will provide an example of what this documentation should look like, upon request.
4. Develop draft Grant Agreement – Work with MARAD on finalizing the draft Grant Agreement, including project scope, schedule, and budget.
5. Ensure Build America, Buy America Act (“BABA” or “Buy America”) compliance – Review the materials required to execute the project scope to ensure compliance with the applicable Buy America requirements (see Buy America Requirements below). MARAD cannot obligate PIDP funds unless all steel, iron, manufactured products, and construction materials are made in the US or a waiver applies.
6. Complete the Title VI Assessment. These requirements may vary depending on whether you are an existing or new MARAD grant recipient. MARAD’s external civil rights coordinator will assist you with these requirements.

Before grant agreement execution, you should NOT:

1. Begin any construction activities – No construction (i.e., activities that disturb the land in any way or involve in-water work) 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. For more information on which activities are and are not allowable before NEPA is complete, refer to MARAD’s “Process on pre-NEPA Field Surveys Prior to Grant/Loan Award Execution” document provided by MARAD’s Office of Environmental Compliance.

After NEPA completion but before grant agreement execution, construction activities can only begin with written pre-approval by MARAD.

2. Incur any project costs without MARAD's written approval (regardless of whether the costs would be reimbursed with PIDP grant funds or charged to your non-Federal cost share) – Pursuant to 46 U.S.C. 54301(a)(10)(B) and 2 CFR 200.458, PIDP recipients must apply to MARAD for approval to incur and expend any Federal or non-Federal project costs prior to grant agreement execution. If you would like to begin incurring certain eligible project costs, please contact your Grants Manager and they can explain the process and provide you with the "Pre-award costs application." Generally, to be allowable, at a minimum, the costs must:
 - a. Be for pre-construction activities (unless NEPA is already completed);
 - b. Not yet be incurred or expended;
 - c. Comply with all Federal requirements;
 - d. Be included in the applicable PIDP grant application as future eligible costs;
 - e. Be necessary for the efficient and timely performance of the scope of work; and
 - f. Be directly pursuant to the negotiation and in anticipation of the Federal award.

Additional Things to Consider:

Procurement methods:

The acquisition of goods and services must follow the procurement standards described in 2 C.F.R. 200.317-327. A State or Indian Tribe must follow the same policies and procedures it uses for procurements from its non-Federal funds. All other non-Federal entities must conduct all procurement transactions for the acquisition of property or services in a manner providing full and open competition consistent with the standards described in 2 C.F.R. 200.319-320. Noncompetitive procurements can only be awarded in accordance with 2 C.F.R. 200.320(c) and with the written approval of MARAD.

Minimum Wage Rates:

You must include, in all contracts in excess of \$2,000 for work on the project that involves labor, provisions establishing minimum rates of wages, to be predetermined by the United States Secretary of Labor, in accordance with the Davis-Bacon Act, 40 U.S.C. 3141–3148, that contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

Small and Disadvantaged Business Enterprises Requirements:

If any funds under this award are administered by a State Department of Transportation, those funds must be expended in compliance with the requirements at 49 C.F.R. part 26. Otherwise, you must expend all funds under this award in compliance with the requirements at 2 C.F.R.

200.321 (“Contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms”).

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act):

The Uniform Act and implementing regulations at 49 CFR part 24 apply when Federal aid is used to fund any phase of the project. For example, if you use local funds for a right-of-way acquisition that is in anticipation of this USDOT project, you must still comply with the Uniform Act related to those right-of-way activities to be eligible to receive these Federal funds.

Buy America Requirements:

Your project is an infrastructure project. Therefore, all iron, steel, manufactured products, and construction materials used in the project for infrastructure expenditures¹ are subject to the domestic content requirements of the 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.

You must not use funds provided under this award unless:

- (1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product; and
- (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

When necessary, you may apply for, and the USDOT may grant, a waiver from the Buy America preference if the USDOT determines that:

- (i) applying the Buy America preference would be inconsistent with the public interest;
- (ii) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (iii) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

On August 16, 2023, USDOT announced a public interest [Waiver of Buy America Requirements for De Minimis Costs and Small Grants](#). Under this waiver, you may use a de minimis amount of non-compliant iron, steel, manufactured products, and construction materials in your project as long as the total value of the non-compliant products is no more than the lesser of \$1 million or

¹ Noninfrastructure spending should comply with the Buy American Act requirements at 41 U.S.C. chapter 83.

5% of total applicable costs for the project. Total applicable project costs are defined as the cost of materials (including the cost of any manufactured products but excluding labor costs) used in the project that are subject to a domestic preference requirement, including materials that are within the scope of an existing waiver.

Please notify MARAD as soon as possible when a potential Buy America issue arises.

Conflicts of Interest:

You must establish and maintain written Standards of Conduct covering conflicts of interest and governing the performance of your employees that are engaged in or otherwise involved in the award or administration of third-party contracts. Additionally, you must be aware of conflict of interest issues a prospective contractor might have, including lack of impartiality, impaired objectivity, or unfair competitive advantage. You must disclose, in writing, any potential or real conflicts of interest to MARAD in accordance with 2 CFR 200.112.