



# Introduction to Terms & Conditions for Discretionary Grants

# Panelists

Matthew Lorah  
Chief, Grant & Loan Program Development Division

Kathryn Johnson  
Attorney-Adviser, Office of Development Law, Office of Chief Council

# Agenda



1

**Overview of Grant Agreement**

2

**Terms and Conditions (Ts&Cs) in the Grant Application Process**

3

**Introduction to Attachment 1**

4

**Introduction to Attachment 2**

5

**Introduction to Exhibits**

# Overview of Grant Agreement

Grant Agreement:	Note:
<b>Coversheet</b>	<ul style="list-style-type: none"> <li>- Key project information and signatures</li> <li>- FRA creates the coversheet at the time of obligation</li> </ul>
<b>Attachment 1: General Terms &amp; Conditions</b>	<ul style="list-style-type: none"> <li>- Applies to all grants and programs</li> <li>- Does <u>not</u> change project to project</li> <li>- Not negotiable</li> </ul>
<b>Attachment 2: Project-Specific Terms &amp; Conditions</b>	<ul style="list-style-type: none"> <li>- Applies to a single project</li> <li>- Modified for each project</li> </ul>
<b>Exhibits</b>	<ul style="list-style-type: none"> <li>- Do <u>not</u> change project to project</li> </ul>

U.S Department of Transportation Federal Railroad Administration		Grant Agreement	
1. RECIPIENT NAME AND ADDRESS [Redacted]		2. AGREEMENT NUMBER: [Redacted]	3. AMENDMENT NO. 0
4. PROJECT PERFORMANCE PERIOD: FROM [Redacted] TO [Redacted]		5. FEDERAL FUNDING PERIOD: FROM [Redacted] TO [Redacted]	
6. ACTION New			
7. CFDA# [Redacted]			
8. PROJECT TITLE [Redacted]			
9. PREVIOUS AGREEMENTS		FEDERAL	NON-FEDERAL
10. THIS AGREEMENT		[Redacted]	[Redacted]
11. TOTAL AGREEMENT		[Redacted]	[Redacted]
12. INCORPORATED ATTACHMENTS THIS AGREEMENT INCLUDES THE FOLLOWING ATTACHMENTS, INCORPORATED HEREIN AND MADE A PART HEREOF: Standard Terms and Conditions, Attachment 1: Consolidated Rail Infrastructure and Safety Improvements Clauses, Attachment 1A: Statement of Work, Attachment 2: Deliverables and Approved Project Schedule, Attachment 3: Approved Project Budget, Attachment 4: Performance Measurements, Attachment 5			
13. STATUTORY AUTHORITY FOR GRANT/ COOPERATIVE AGREEMENT Consolidated Appropriations Act, 2018 (P.L. 115-141)			
14. REMARKS			
GRANTEE ACCEPTANCE		AGENCY APPROVAL	
15. NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL		17. NAME AND TITLE OF AUTHORIZED FRA OFFICIAL	
16. SIGNATURE OF AUTHORIZED GRANTEE OFFICIAL	16A. DATE	18. SIGNATURE OF AUTHORIZED FRA OFFICIAL	18A. DATE
AGENCY USE ONLY			
19. OBJECT CLASS CODE: [Redacted]		20. ORGANIZATION CODE: [Redacted]	
21. ACCOUNTING CLASSIFICATION CODES DOCUMENT NUMBER: [Redacted] FUND: [Redacted] BY: [Redacted] BPAC: [Redacted] AMOUNT: [Redacted]			

*FRA develops the initial draft of Attachment 2 based on the applicant's information in the grant application.*

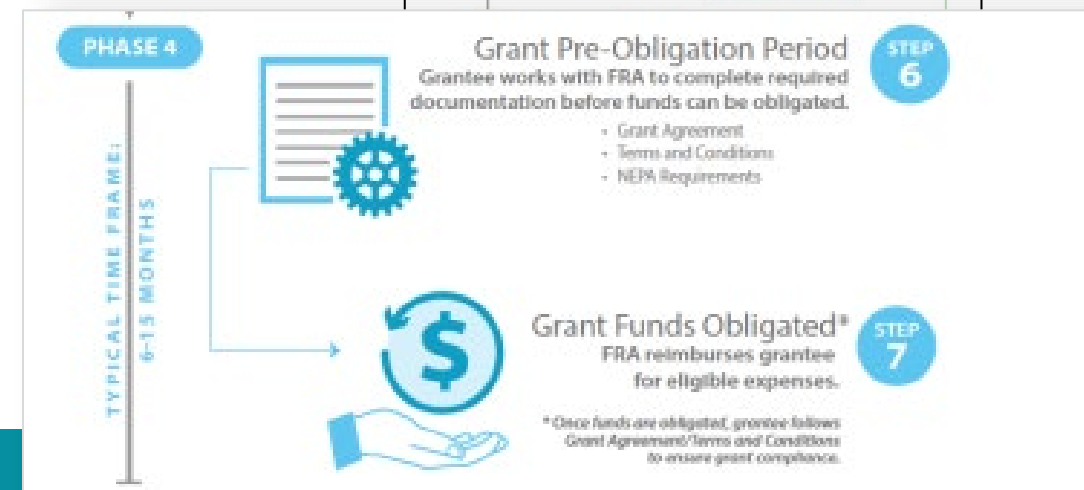
# Competitive Grants Application Process

- Each Notice of Funding Opportunity (NOFO) will specify application requirements as they relate to the Terms & Conditions
- Attachment 2 is developed as a part of pre-obligation
- The recipient must comply with the Terms & Conditions and government-wide requirements regarding grant performance and administration



This graphic shows the competitive grant application process. Terms & Conditions are part of the application, pre-obligation, and post-obligation process, as shown in Steps 3, 6, and 7.

[Electronic Grants Application Process Flowchart-April 2022](#)



# Where to Locate the Terms & Conditions



The screenshot shows the Federal Railroad Administration (FRA) website. The header includes the U.S. Department of Transportation logo and the FRA logo, with a search bar. The navigation menu includes links for About FRA, Railroad Safety, Rail Network Development, Research & Development, Legislation & Regulations, Grants & Loans, and FRA eLibrary. The main content area is titled 'FRA Discretionary Grant Agreements' and contains the following text:

**Home**

Grants & Loans Overview

Grant Programs >

Loan Programs

Applying for Grants >

Grants Application Process

FRA Discretionary Grant Program Tool

Grant Readiness Checklist

FRA Grant Agreement

Additional Resources

Resources for Grant Recipients >

Training & Guidance

Upcoming Webinars

Contact Us

**FRA Discretionary Grant Agreements**

Effective December 11, 2023, FRA has updated the structure of grant agreements used for FRA awards of federal financial assistance.

If you have questions about FRA grant agreements, please contact your FRA Project Manager.

**FRA Grant Agreements – Effective December 11, 2023**

The new FRA Grant Agreement consists of three parts:

- [Attachment 1: Standard Terms and Conditions – February 15, 2024](#)
- [Attachment 2: Project-Specific Terms and Conditions - December 11, 2023](#)
- [Terms and Conditions Exhibits – December 11, 2023](#)

**Previous FRA Grant Agreements**

- [Example General Grants - Attach 1 - Standard Terms and Conditions - August 25, 2020](#)
- [Example CRISI Grants – Attach 1A – Additional CRISI Terms and Conditions - May 30, 2023](#)
- [Example Federal-State Partnership Grants – Attach 1A – Additional Federal-State Partnership Terms and Conditions - May 5, 2023](#)
- [Example Restoration and Enhancement Grants – Attach 1A – Additional Restoration and Enhancement Terms and Conditions - October 20, 2022](#)

Last updated: Thursday, February 15, 2024

[railroads.dot.gov/grants-loans/fra-discretionary-grant-agreements](https://railroads.dot.gov/grants-loans/fra-discretionary-grant-agreements)

# Attachment 1: Overview

- Includes 26 Articles
- Contains the standard terms and conditions governing the administration of the grant agreement and the execution of the project
- Static document
- Article 26 contains program-specific clauses
- Applies equally to non-profits and for-profits

**Article 1:** Terms & Conditions

**Article 2:** FRA Role and Responsibilities

**Article 3:** Recipient Role

**Article 4:** Award Amount, Obligation, and Time Periods

**Article 5:** Statement of Work, Schedule, and Budget Changes

**Article 6:** General Reporting Terms

**Article 7:** Progress and Financial Reporting

**Article 8:** Performance Measurement and Reporting

**Article 9:** Noncompliance and Remedies

**Article 10:** Agreement Suspension and Termination

**Article 11:** Monitoring, Financial Management, Controls, and Records

**Article 12:** Contracting and Subawarding

**Article 13:** Costs, Payments, and Unexpended Funds

**Article 14:** Property and Equipment

**Article 15:** Amendments

**Article 16:** Climate Change and Environmental Justice

**Article 17:** Racial Equity and Barriers to Opportunity

**Article 18:** Labor and Work

**Article 19:** Critical Infrastructure Security and Resilience

**Article 20:** Federal Financial Assistance, Administrative, and National Policy Requirements

**Article 21:** Assignment

**Article 22:** Waiver

**Article 23:** Additional Terms and Conditions

**Article 24:** Construction and Definitions

**Article 25:** Agreement Execution and Effective Date

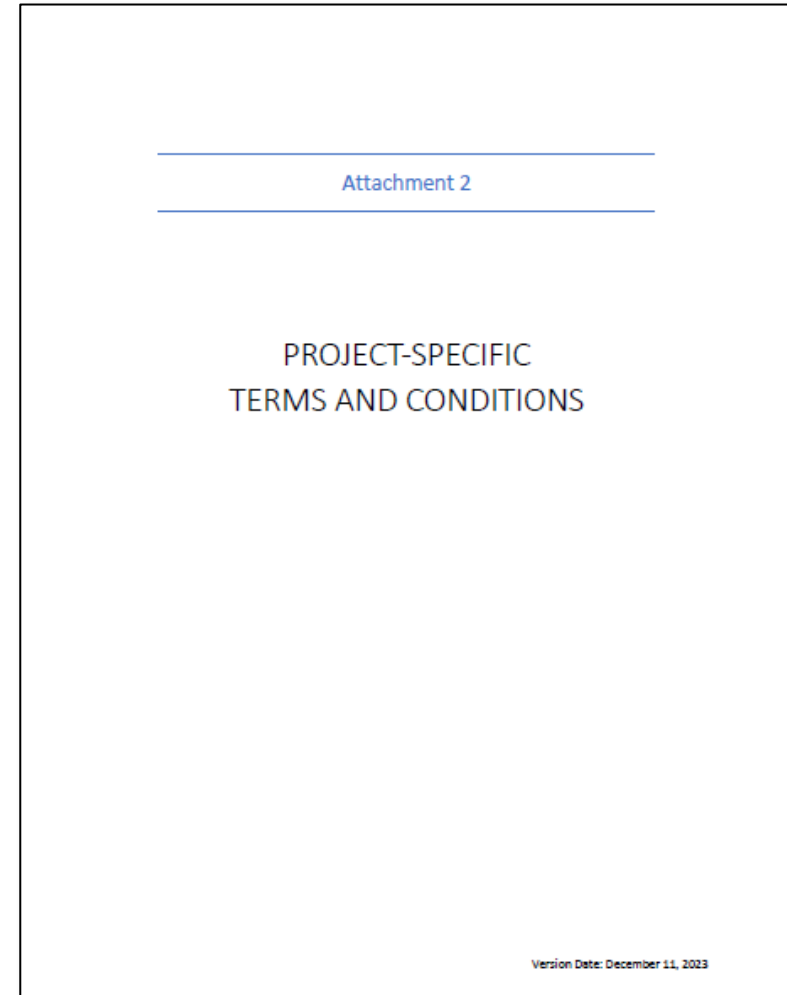
**Article 26:** Program-Specific Clauses

## GENERAL TERMS AND CONDITIONS

Revision Date: February 15, 2024

# Attachment 2: Overview

- Includes 11 Articles
- Includes **project-specific information**, including the description of the selected project, tasks, deliverables, budget, schedule, and performance measures
- Sections were added to better document **environmental compliance** and to address **administration priorities**





# Attachment 2: Overview

- Includes **instructions and notes in italicized text** to inform recipients how to modify the agreement template for obligation
  - Provides spaces to insert project-specific text and/or select from options in brackets throughout the document
  - Unless otherwise indicated, the text of Attachment 2 should **not** be modified

## ARTICLE 4: STATEMENT OF WORK

### 4.1 General Project Description

*Instructions: Provide a concise description of the Project funded under this Agreement. Section 4.1 should state the objective of the Project and the benefits that that the Project is intended to achieve. Project objectives and benefits inform—and should be consistent with—the Performance Measures in Article 7 of this Attachment 2, Performance Measurement Information.*

## ARTICLE 6: AWARD AND PROJECT FINANCIAL INFORMATION

### 6.1 Award Amount

Agreement Federal Funds: \$[Insert the total amount of Federal funds obligated under this Agreement.]

*Instructions: If the award is a phased funding agreement, also include:*

Contingent Commitment: \$[insert the total amount of Contingent Commitment in Table 6-D: Contingent Commitment by Fiscal Year]

### 6.2 Federal Obligation Information

Federal Obligation Type: [Single or Phased]

### 6.3 Federal Authorization and Funding Source.

Authorizing Statute: [insert statute]

Appropriation: [insert appropriation including fiscal year]

# Attachment 2: Articles 1, 2, and 3

## Article 1: Project-Specific Designations

- Identifies recipient, project and purpose, and project designations

## Article 2: Special Terms & Conditions

- Identifies additional required terms and conditions based on program and fiscal year

## Article 3: Administrative Information

- Identifies application title and date, FRA awarding official, award date, program name and assistance listings number, the Recipient's Unique Entity Identifier (UEI), and federal award identification number (FAIN)

*FRA develops the initial draft of Attachment 2 based on the information the applicant provided in the grant application.*

# Attachment 2: Article 4

## Article 4: Statement of Work

- **4.1 General Project Description:** Concise description of the funded project
- **4.2 Project Location:** Specific and detailed, including maps and GPS location, as applicable
- **4.3 Project Scope:** Tasks and deliverables defined by the project and lifecycle stage
- **4.4 Required environmental commitments:** identifies any commitments from NEPA/S106

### Subtask 1.2: Project Management Plan

The Recipient will prepare a Project Management Plan (PMP), that describes how the Project will be implemented and monitored to ensure effective, efficient, and safe delivery of the Project on time and within budget. The PMP will describe, in detail, the activities and steps necessary to complete the tasks outlined in this Statement of Work.

The PMP will include a Project Schedule and Project Budget for the work to be performed under this Agreement. The Project Schedule will be consistent with the Estimated Project Schedule in Section 5.2 of this Attachment 2, but provide a greater level of detail. Similarly, the Project Budget should be consistent with the Approved Project Budget in Section 6.5 of this Attachment 2, but provide a greater level of detail.

# Attachment 2: Article 5

## Article 5: Award Dates and Estimated Project Schedule

- Estimated project schedule, which lists significant milestones in Project advancement

**Table 5-A: Estimated Project Schedule**

Milestone	Schedule Date
[Preliminary Engineering Completion]	[Insert Date]
[NEPA Completion]	[Insert Date]
[Final Design Completion]	[Insert Date]
[Construction Substantial Completion]	[Insert Date]

# Attachment 2: Article 6

## Article 6: Award and Project Financial Information

- Award amount, funding source and availability, and project budget

Table 6-A: Approved Project Budget by Task

Task #	Task Title	Agreement Federal Funds	Agreement Non-Federal Funds	[Other Federal Funds]	[Other Non- Federal Funds]	Total
1	Project Administration and Management	\$	\$	\$	\$	\$
2		\$	\$	\$	\$	\$
Total		\$	\$	\$	\$	Total Project Cost: \$

# Attachment 2: Article 7

## Article 7: Performance Measurement Information

- Performance measures enable FRA to assess the recipient's progress in achieving grant program goals and objectives
- Recipient will report on these performance measures in accordance with the frequency and duration specified (in Table 7-A)
- FRA develops the initial draft based on FRA's framework for measuring performance for certain projects as well as the information the applicant provided in the grant application

Table 7-A: Performance Measurement Table

Goal	Objective	Performance Measure	Description of Measure	Measurement	Reporting
Goal 1				Pre-Project (Baseline) Performance as of:	Frequency:
				Expected Post-Project Performance:	Duration:
Goal 2				Pre-Project (Baseline) Performance as of:	Frequency:
				Expected Post-Project Performance:	Duration:

# Attachment 2: Articles 8, 9, 10, and 11

## Article 8: Environmental Compliance

- Completed by an FRA Environmental Protection Specialist to document compliance with the National Environmental Policy Act (NEPA) prior to obligation
- Examples: Date FRA issued Categorical Exclusion or Finding of No Significant Impact

### *Administration Priorities*

*Each of the following articles has an accompanying table and supporting narrative section*

## Article 9: Climate Change and Environmental Justice Impacts

- Identifies how the project addresses climate change and environmental justice priorities

## Article 10: Racial Equity and Barriers to Opportunity

- Identifies how the project addresses efforts to improve racial equity and reduce barriers to opportunity

## Article 11: Labor and Work

- Identifies the recipient's efforts to support good-paying jobs and strong labor standards related to the project

# Exhibits

## Exhibit A: Applicable Federal Laws and Regulations

- General Federal Legislation
- Executive Orders
- General Federal Regulations



**Note:** The Exhibits do not change project to project.

## Exhibit B: Additional Standard Terms

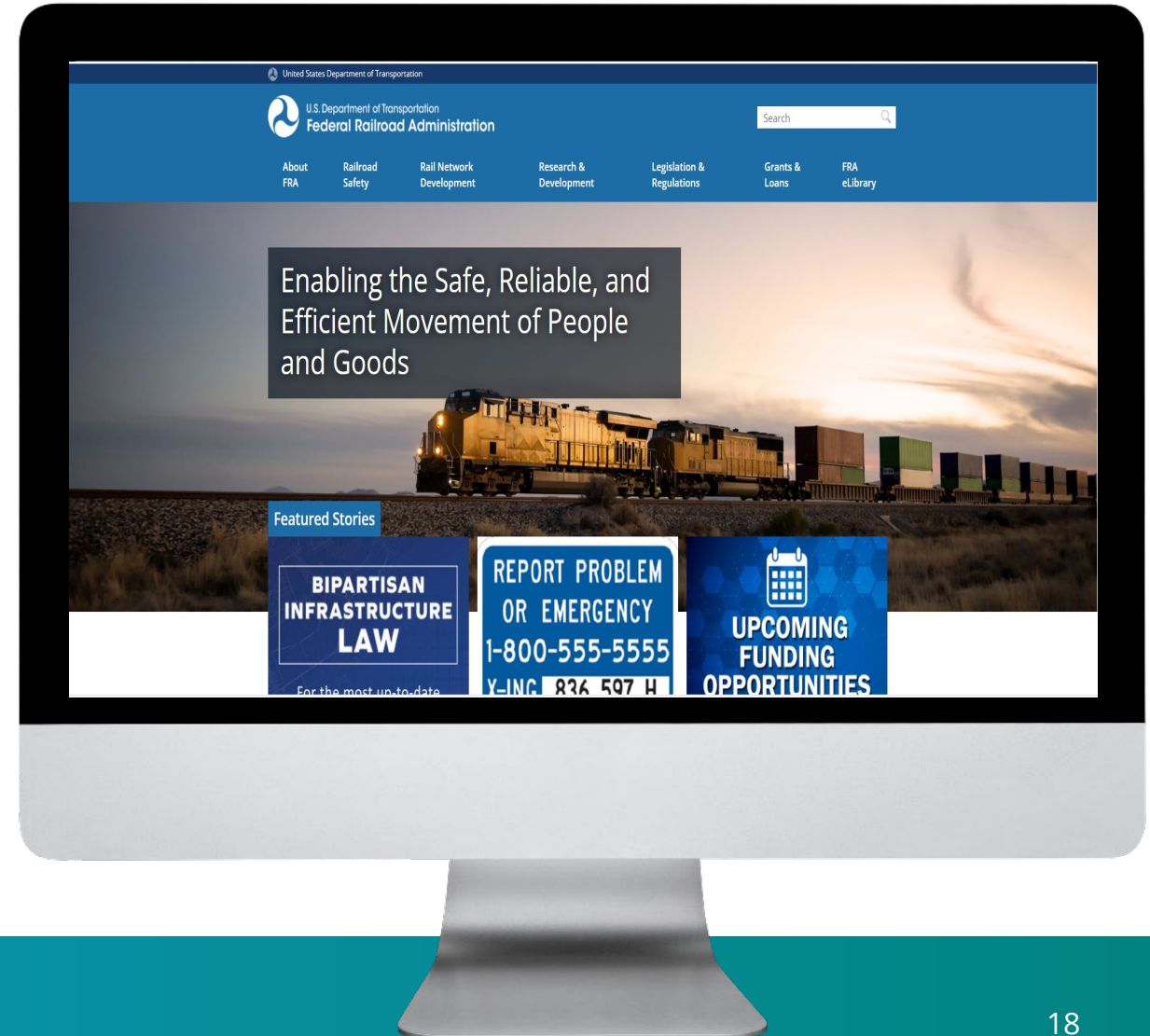
- B.1: Title VI Assurances
- B.2: Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions
- B.3: Requirements Regarding Delinquent Tax Liability or a Felony Conviction Under Any Federal Law
- B.4: Recipient Policy to Ban Text Messaging While Driving
- B.5: Equivalent Labor Protections Under 49 U.S.C. 22905 (c)(2)(B)

## Exhibit C: Quarterly Project Progress Reports and Recertifications



# FRA Website Resources

1. [FRA Discretionary Grant Agreements](#)
2. [FRA Discretionary Grants Application Process](#)
3. [FRA Environment](#)
4. [FRA Guidance on Development and Implementation of Railroad Capital Projects](#)
5. [FRA Additional Resources](#)
6. [FRA Training & Guidance](#)





Follow FRA on [Linkedin](#)  
for more updates!



# Contact Us:

[FRA-grants@dot.gov](mailto:FRA-grants@dot.gov)