

Pre-Award Authority Request



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
STATEWIDE TRANSPORTATION PLANNING OFFICE
200 RODGERS BOULEVARD
HONOLULU, HAWAII 96819-1812

Pre-Award Authority Request

Pursuant to Federal Register Notice Vol. 86, No. 175 dated September 14, 2021:

FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. FTA does not provide pre-award authority for competitive funds until projects are selected and even then, there are Federal requirements that must be met before costs are incurred. Funds under this Notice of Funding Opportunity (NOFO) cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a Grant Agreement until FTA has issued pre-award authority for selected projects, or unless FTA has issued a "Letter of No Prejudice" for the project before the expenses are incurred. For more information about FTA's policy on pre-award authority.

Notice to all grant applicants:

Consistent with FTA policy on pre-award authority, a project must have met all applicable Federal requirements prior to incurring expenses. The recipient assumes all risk and is responsible for ensuring that all applicable federal program and grant requirements are met to retain eligibility. Recipients are also advised that incurring certain project costs prior to NEPA completion may render the entire project ineligible for Federal assistance. Therefore, FTA strongly encourages all recipients to consult with the appropriate FTA regional office regarding the anticipated environmental review requirements and the applicability of Federal conditions and requirements before incurring expenses under pre-award authority with the hope of future reimbursement.

To that effect, **attach** supporting written documentation which addresses all of the following requirements:

- (1) The pre-award time period.
- (2) The line-item budget for the time period.
- (3) The costs incurred to date (or anticipated to be incurred) prior to award.
- (4) A narrative description of the tasks already completed (or anticipated to be completed).
- (5) A compelling justification explaining why it was (or is) necessary to start earlier than the anticipated award date.

Applicant Name: _____

Authorized Signature: _____ Date: _____

Printed Name and Title: _____

Pre-Award Authority Administrative Process



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
STATEWIDE TRANSPORTATION PLANNING OFFICE
200 RODGERS BOULEVARD
HONOLULU, HAWAII 96819-1812

Pre-Award Authority Administrative Process

Pre-award costs may only be considered where costs are incurred prior to the award, but after program authority has been enacted and the appropriation becomes available. If pre-award costs are incurred before the funding becomes available, but after program authority exists, pre-award costs may be awarded on a case-by-case basis, depending on statutory language, legislative history, or other particular factors, such as applicable program regulations.

Pre-award costs incurred before both program authority and funding are available may generally not be funded retroactively. Questions about availability of appropriations for pre-award costs should be directed to the Program Manager for your Federal Transit Administration (FTA) grant recipient authorized through the State of Hawaii Statewide Transportation Planning Office (STPO) with the Hawaii Department of Transportation (HDOT).

Approval of pre-award costs should be kept to a minimum. Generally, the period for such costs should not exceed ninety (90) days prior to the start of the project period.

When a request for approval of pre-award costs is required, an applicant should provide a written request to the HDOT STPO Program Manager at the earliest possible time.

The request should contain the following information:

- Pre-award time period,
- Line-item budget for the time period,
- Costs incurred to date or anticipated to be incurred prior to award,
- Narrative description of the tasks already completed or anticipated to be completed, and;
- A compelling justification explaining why it was necessary to start earlier than the anticipated award date.

The Program Manager will review the request and provide a recommendation to FTA for approval. FTA will review the recommendation and the applicant's request. If the pre-award request is disapproved, FTA will notify the recipient (HDOT) in writing. If the request is approved, notice will be incorporated into the grant award document.

Note: See 15 CFR § 14.25(e) for prior written approval requirements for pre-award costs, including the requirements for research awards.