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# BIPARTISAN INFRASTRUCTURE LAW Stakeholder Briefing

March 9, 2022

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# BIL Implementation Update AGENDA

- Airport Infrastructure Grants (AIG) Allocated
  - AIG Entitlement/Formula funding
  - AIG Federal Contract Tower (FCT) Competitive Grants
- Airport Terminal Program (ATP)
  - Notice of Funding Opportunity (NOFO)
  - Application FORM 5100-144
  - Evaluation Process
- State Block Grant
- BIL Criteria
- ACIP Updates and Grant Timing
- Standard FAQ Responses
- Questions?



# Airport Infrastructure Grant (AIG) Allocated

- \$15B total, \$2.89B annually for AIG allocated grants
- Allocations posted annually, adjusted based on current year data
  - FY 22 Allocations were posted on 12/16/2021 with interactive airport link
- Up to \$2.39 billion/yr Primary Airports
  - Allocations for Primary Airports based on existing apportionment formula in Airport Improvement Program (AIP) Statute (passenger traffic and cargo volume)
  - FY22 and FY23 allocation is based on highest enplanements for CY 18, 19 and next full CY (CY20 or CY21 respectively)
  - FY24 - FY26 most recent calendar year enplanements



# Airport Infrastructure Grant (AIG) Allocated

- Up to \$500 million/yr Non-Primary Airports (i.e. General Aviation)
  - Allocations for Non Primary Airports based on airport role in the NPIAS and is a fixed amount for each role e.g National, Regional, etc.
- PFC eligibility as outlined in 40117(a)3 with the exception of debt service
- Grants have standard AIP Federal match



# Airport Infrastructure Grant (AIG) Competitive Federal Contract Tower (FCT)

- \$20 million annually for competitive FCT grants for:
  - Contract tower construction, rehab, modernization, etc...
  - Equipment needed for contract tower (AIP min equip list)
  - Remote Towers certified by FAA (not eligible at this time)
- 100% Federal share
- Currently 157 Airport-owned FCTs
- Airports accepted into contract tower program that need to construct a tower are also eligible





# Airport Infrastructure Grant (AIG) Competitive Federal Contract Tower (FCT)

- National ATO standard ATCT design underway for ATCT under 120' (Tier 3-4), ready in FY2024
- Annual NOFO, FY2022 anticipated by May 2022
- Approximately 30 day open application period
- Use same form as ATP, FAA Form 5100-144, ATCT section
- Anticipate same readiness test for FY22
- Similar review process to ATP, but fewer projects



# Airport Terminal Program (ATP)

- \$5 Billion Competitive Discretionary Grants
  - \$1 billion per year for 5 years (FY 2022 - 2026)
- Eligible projects include:
  - Airport terminals and associated roadways
  - Multimodal terminal projects
  - On airport rail access projects
  - Airport-Owned ATCTs - regardless of staffing



# Airport Terminal Program (ATP)

- Allocation percentages in BIL per airport type
  - Not more than 55% going to Large Hub airports;
  - Not more than 15% going to Medium Hub airports;
  - Not more than 20% going to Small Hub airports ; and
  - Not less than 10% going to Non-hub and Non-primary airport.
- Federal Share
  - 80% for Large and Medium Hubs
  - 95% for small and non-hub and non-primary airports
- Application process via annual Notice of Funding Opportunity (NOFO)
  - FY 22 NOFO issued 2/22/22 with a 3/28/22 submission deadline
  - Anticipate FY 23 NOFO in the fall of 2022





# ATP Notice of Funding Opportunity (NOFO)

- ATP terminal development project eligibility follows PFC Rules in 49 USC 40117(a)3
- Annual application process outlined in NOFO for ATP includes:
  - Limited open application period
  - Limited to approximately 3100 airport sponsors eligible to receive discretionary funds under the AIP
  - Selected applicants must continue to meet all general requirements for AIP project funding prior to grant award, which include:
    - Approved airport layout plan (ALP)
    - Environmental determination under NEPA
    - Airspace study approvals
    - Buy American & Buy America, Build America
    - 2 CFR part 200



# ATP Notice of Funding Opportunity (NOFO)

- Selection Criteria - General
  - Projects that can satisfy all statutory and administrative requirements for grant award in FY2022
  - Administration goals of infrastructure modernization and clean energy future
  - Good paying jobs



# ATP Notice of Funding Opportunity (NOFO)

- Selection Criteria for Terminals included in BIL:
  - Improve airfield safety through terminal relocation
  - Replacing aging facilities
  - Increase capacity and passenger access
  - Encourage competition
  - Improve Energy Efficiency (including LEED accreditation standards)
  - Expand access for persons with disabilities
  - Improving airport access for historically disadvantaged populations
  - Provide preference to projects that achieve a complete development objective, even if awards for the project must be phased, and prioritize projects that have received partial awards.





# ATP Notice of Funding Opportunity (NOFO)

- Additional selection criteria for ATCT
  - Impact on the National Airspace System
  - Age of facility
  - Operational constraints
  - Nonstandard facility conditions



# Annual Application Process for ATP

- FAA Form 5100-144, *Airport Terminal and Tower Project Information*
  - Electronic submission utilizing the form on the FAA website
  - Ensures standard application process for all eligible airport sponsors
  - Ensures applicants provide information outlined in the NOFO, including specific details on selection criteria (considerations)
  - Collects only information needed to help FAA make expeditious project selection
  - Collects information for both terminal and ATCT projects





# FAA Form 5100-144

- When completing the Form keep in mind:
  - Submit a separate Form for each project
  - **Be clear, concise, and specific**
  - Project description limited to approximately 75 words
  - Each selection criteria response is limited to 300 characters
    - Check the box and explain how the project satisfies the criteria
    - Answer all questions to the best of your ability in relation to the submitted project
    - For some projects, not all the criteria may apply. In those limited cases, N/A is appropriate.



# ATP Evaluation Process

- Application period closes March 28 at 5:00 p.m. eastern time
- Applications reviewed and prioritized by ADOs
- ADO prioritization reviewed and summarized by Region
- Evaluation will be undertaken by a National Control Board
- Evaluation focused on responsiveness to the NOFO
  - Seven considerations outlined in BIL
  - Preference that complete a project and priority to partial awards
  - Administration's priorities outlined in the various Executive Orders, including creation of good paying jobs, etc.



# ATP Evaluation Process

- Final Project Selection
  - National Control Board made up of field, region, headquarters, and DOT representatives will review all applications
  - National recommendation list developed, being mindful of BIL allocation percentages by airport type
  - The Secretary will issue a Notice of Intent to Fund the selected projects
  - Projects not selected will need to apply for reconsideration in future NOFOs, or airports may choose to alternative sources of funding including AIG allocated, AIP funds, and PFC funds as eligibility applies



# State Block Grant Program

- State Block Grant Program
  - AIG Allocated funds delivery will be adjusted
    - States will need to have project and location specific requests
    - Funds will remain unobligated with FAA until the individual projects are ready
    - Similar to AIP Discretionary process for block grant locations, based on bids
  - ATP and FCT competitive specifically
    - NOFO language contains specific instructions for State Block Grant locations to apply directly, but coordinate with State Agencies
      - Airports in Channeling Act states should coordinate with the state agency on process
    - State Block Grants will be awarded to the state, location specific, similar to AIP discretionary





# BIL Criteria

- BIL grants will follow AIP implementation
  - Similar Grant agreement and assurances
  - Follows 2 CFR 200 – Federal grant administration
  - Grants based on bids
  - AIP payment rules apply
  - Buy American & Buy America, Build America apply
- Project eligibility follows PFC with the exception of debt service
- Primary difference between AIP vs PFC is the eligible portions of terminal, noise sound insulation, and on airport rail access
- Traditional AIP discretionary caps do not apply





# Responses to Frequently Asked Questions

- Posted on March 1, 2022
- First Round – 3 Sections
  - General Questions
  - Allocation of Funds
  - Use of Funds
- Terminology
  - Airport Infrastructure Grant (AIG) Allocated
  - Airport Infrastructure Grant (AIG) Competitive (Federal Contract Tower (FCT))
  - ATP (Airport Terminal Program) Competitive



# Responses to Frequently Asked Questions

- **Q-U27:** Are AIG Allocated funds required to be used for higher priority projects if the airport is receiving AIP discretionary funds in the same FY?
- **A:** No. AIG Allocated funds have expanded availability for projects considered lower priority under AIP. Airports are still required to meet basic planning guidelines for AIG funds such as project justification, project consistency with the master plans, appropriate project scope, and project documentation on an approved Airport Layout Plan (ALP). Additional guidelines with specific examples will be developed and included in future BIL guidance and AIP guidance. If an ADO has concerns about the types of projects being funded with AIG and an airport's requested discretionary project, then it should reach out to the BIL Team and APP for further discussions.



# Responses to Frequently Asked Questions

- **Q-U28: Can a Sponsor still request AIP discretionary funds while saving AIG Allocated funds?**
- **A:** Yes. AIG Allocated funds have expanded availability for projects considered lower priority under AIP. Airports are still required to meet basic planning guidelines for AIG funds such as project justification, project consistency with the master plans, appropriate project scope, and project documentation on an approved ALP. Additional guidelines with specific examples will be developed and included in future BIL guidance and AIP guidance. If an ADO has concerns about the types of projects being funded with AIG and an airport's requested discretionary project, then it should reach out to the BIL Team and APP for further discussions.





# Responses to Frequently Asked Questions

- Federal procurement requirements, Sponsor Assurances and FAA design and construction standards apply
- Eligible project costs incurred on or after November 15, 2021 can be reimbursed under both AIG and ATP grants
- Alternative project delivery meeting federal procurement requirements, including Design Build and Construction Manager at Risk (CMAR), are allowed
- Matching funds are required for all BIL grants except AIG Competitive funds (FCTs)



# Responses to Frequently Asked Questions

- BIL funds cannot be transferred to another sponsor but can be transferred within the sponsor's system of airports
- BIL funds cannot be used to pay debt service, including financing costs
- AIP/BIL funds cannot be included in a single grant, but can be used to fund different portions of projects under separate grants
- Multi-year (MY) grants (future payments) are not allowed since allocations could change





# Responses to Frequently Asked Questions

- Terminal development projects funded with AIG Allocated or ATP funds require an eligibility calculation based on PFC eligibility
- The AIP discretionary \$20M and \$200,000 caps do not apply to BIL funds



# Responses to Frequently Asked Questions

- AIG funds must be obligated (under grant) in four years. In the fifth year, the unobligated funds will be used under a competitive program.

FY funds are first made available:	Funds must be obligated (under grant) by:	Any unobligated funds must be obligated (under grant) as competitive grants in:
2022	September 30, 2025	FY 2026
2023	September 30, 2026	FY 2027
2024	September 30, 2027	FY 2028
2025	September 30, 2028	FY 2029
2026	September 30, 2029	FY 2030



# BIL Information

[www.faa.gov/bil](http://www.faa.gov/bil)

[www.faa.gov/bil/airport-terminals](http://www.faa.gov/bil/airport-terminals)

[www.faa.gov/bil/airport-infrastructure](http://www.faa.gov/bil/airport-infrastructure)

[9-ARP-BILAirports@faa.gov](mailto:9-ARP-BILAirports@faa.gov)



# Questions?

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