

2009 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT PROGRAM
Additional Federal Terms and Conditions

The requirements in this document provide a summary of some of the additional federal requirements which apply to these grant funds.

1. **Federal Regulations and Circular:** The LEPC shall comply with the following federal Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulations commonly applicable to U.S. DOT grants are listed below:
 - A. Administrative Requirements: 49 CFR Part 18, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”.
 - B. Cost Principles: 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments.
 - C. Audit Requirements: OMB Circular A-133, Audits of State, Local Governments, and Non-Profit Organizations.
2. **Federal Cooperative Agreement:** Attachment A of this document.
3. **Federal Guidance Document:** Attachment B of this document.
4. **Federal Assurances:** Attachment C of this document.
5. **Federal Combined Assurance:** Attachment D of this document.



U.S. Department of Transportation
**Pipeline and Hazardous Materials
 Safety Administration**

Grant/Cooperative Agreement

1. RECIPIENT NAME AND ADDRESS Indiana Department of Homeland Security 302 W Washington St Planning Division Indianapolis, IN 46204-4701		2. AGREEMENT NUMBER: HM-HMP-0022-09-01-00	3. AMENDMENT NO. 0
1A. IRS/VENDOR NO. 35-6000158		4. PROJECT PERFORMANCE PERIOD: FROM 09/30/2009 TO 09/30/2010	
1B. DUNS NO. 087173519		5. FEDERAL FUNDING PERIOD: FROM 09/30/2009 TO 09/30/2010	
7. CFDA#: 20.703		6. ACTION New	
8. PROJECT TITLE Hazardous Materials Emergency Preparedness Grant Program		9. TOTAL OF PREVIOUS AGREEMENT AND ALL AMENDMENTS 0	
		10. AMOUNT OF THIS AGREEMENT OR AMENDMENT 512,532	
		11. TOTAL AGREEMENT AMOUNT 512,532	

12. INCORPORATED ATTACHMENTS
 1: Grant Award Agreement
 2: Financial Assistance Awards to State and Local Governments Award Terms and Conditions

13. STATUTORY AUTHORITY FOR GRANT/ COOPERATIVE AGREEMENT
 Federal Hazardous Materials Transportation Law , 49 U.S.C. 5101 et seq

14. REMARKS
 *** FEDERAL SHARE \$512,532 + MATCH \$128,134 = TOTAL AWARD \$640,666 ***
 State Program Manager: Cynthia A. Riley, 302 W. Washington Street, Room E208, Indianapolis, IN 46204
 Telephone: 317-232-3980 Email: criley@dhs.in.gov

GRANTEE ACCEPTANCE		AGENCY APPROVAL	
15. NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL <i>Joseph E. Wainscott, Jr.</i> <i>Executive Director</i>		17. NAME AND TITLE OF AUTHORIZED PHMSA OFFICIAL Ted Willke Associate Administrator	
16. SIGNATURE OF AUTHORIZED GRANTEE OFFICIAL <i>[Signature]</i>	16A. DATE <i>10/23/09</i>	18. SIGNATURE OF AUTHORIZED PHMSA OFFICIAL Electronically Signed	18A. DATE 09/21/2009

AGENCY USE ONLY

19. OBJECT CLASS CODE: 41010	20. ORGANIZATION CODE: 50D0308EP0
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DELPHI	BY	BPAC	AMOUNT
5282XXXDA0	2009	EGEPR01030	512,532

AWARD ATTACHMENTS

Indiana Department of Homeland Security

HM-HMP-0022-09-01-00

1. Grant Award Agreement
2. Financial Assistance Awards to State and Local Governments Award Terms and Conditions

**GRANT AWARD AGREEMENT
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Article I. Award Information**Section 1.01 Recipient Information**

See cover page box 1

Program/Project Manager – See cover page box 14

Section 1.02 Awarding Agency Information

U.S. Department of Transportation (US DOT)
Pipeline and Hazardous Materials Safety Administration (PHMSA)
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Section 1.03 Additional Basic Award Information

Funding Opportunity Title: "PHMSA HMEP States & Territories"
Funding Opportunity Number: DOT-PH-HMEP-09-001

Article II. Background**Section 2.01 Background**

The HMEP grants program was first authorized in 1990 to help implement the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 (42 U.S.C. 11001). EPCRA set up State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs), established information requirements to help communities understand and prepare for the risks of chemical releases, and set up interagency coordination to implement the law. In 2005, SAFETEA-LU reauthorized the HMEP grants program, added new program requirements, and increased funding.

Section 2.02 Statement of Purpose

The purpose of this reimbursable grant is to provide for public sector planning and training in support of the emergency planning and training efforts of States, Indian tribes, and local communities to deal with hazardous materials emergencies, particularly those involving transportation.

Article III. Incorporation of Recipient's Application**Section 3.01 Incorporation of Recipient Application**

The Recipient's application and Project Plan, including any revisions agreed to by Recipient and PHMSA prior to award is incorporated by reference into this Agreement.

Section 3.02 Expected Program Outputs

Under the terms of this agreement, the Recipient must demonstrate completion of the work through the actions it has specified in its Application. The Recipient is responsible for accomplishing the objectives, tasks and deliverables of this Grant Agreement, and performing the tasks and the deliverables outlined in the Recipient's Application and Project Plans.

Article IV. Reporting Requirements**Section 4.01 Performance Reports**

The project manager should submit a performance report to the AA and AOTR at the completion of an activity for which reimbursement is being requested or with a request to

amend the grant. The Recipient must submit a final performance report, due 90 days after the expiration or termination of the grant that describes the results of all activities undertaken as a result of the grant.

Section 4.02 Final Financial Status Report

At the end of the grant period, the Recipient must submit a Final Financial Status Report, Standard Form 269 (SF-269) to the AA and AOTR to report the status of all funds.

See Attachment 2 "Award Terms and Conditions" for additional reporting requirements.

Article V. Project Technical Reports

The Recipient must prepare Project Technical Reports according to the requirements of DOT Order 1700.18B, "Acquisition, Publication and Dissemination of DOT Scientific and Technical Reports."

DOT Order 1700.18B is incorporated by reference into this award.

DOT Order 1700.18B is available at

<http://isddc.dot.gov/OLPWeb.ASP?WCI=DocInfo&WCE=id%3d8505%26oa%3dost%26cn%3d%26cv%3d%26fr%3d1%26lr%3d100%26rc%3d413&WCU>

Article VI. Agreement Officials

Refer to the Award Terms and Conditions (Attachment 2), Section 1, for a detailed description of each official's responsibilities below.

Authorizing Official/Agreement Officer (AO)

Mr. Ted Willke

Associate Administrator for Hazardous Materials Safety

U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration

1200 New Jersey Avenue, SE, E21-316

Washington, D.C. 20590-0001

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Fax: (202) 366-5713

E-mail: Ted.Willke@dot.gov

Agreement Administrator (AA)

Mr. Charles Rogoff

Grants Manager

U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety, PHH-1

1200 New Jersey Avenue, SE, E23-301

Washington, D.C. 20590-0001

Telephone: (202) 366-0001

Fax: (202) 366-3753

E-mail: Charles.Rogoff@dot.gov

Agreement Officer's Technical Representative (AOTR)

Kyra Stewart

U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety, PHH-1

1200 New Jersey Avenue, SE, E23-411

Washington, D.C. 20590-0001

Telephone: (202) 366-8752

Fax: (202) 366-3753

E-mail : Kyra.Stewart@dot.gov**Program/Project Manager**

See cover page, box 14

Article VII. Terms and Conditions

The Recipient must comply with and spend funds consistent with all the terms and conditions of this award, including the Award Terms and Conditions in Attachment 2 and any other terms and conditions spelled out in this document.

Article VIII. Special Terms and Conditions**Section 8.01 Hazardous Materials Public Sector Training and Planning Grants**

49 CFR 110, "Hazardous Materials Public Sector Training and Planning Grants" establishes the program requirements for public sector training and planning grants to support hazardous materials emergency planning and training efforts.

49 CFR 110, "Hazardous Materials Public Sector Training and Planning Grants" is incorporated by reference into this award.

49 CFR 110 is available at: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=1f4aff8f491b7bf0292ba0705316c45&rqn=div5&view=text&node=49:2.1.1.1.4&idno=49>.

Section 8.02 Modifications

Modifications to this Grant Agreement may be made only in writing, signed by both the Recipient and the AO, and specifically referred to as a modification to this Grant Agreement. Request for any modification of the grant or relief from non-statutory provisions of 49 CFR 110 should be submitted to the AA. See also Attachment 2, paragraph 17, "Prior Approvals".

Section 8.03 Travel

Any travel necessary to carry out the objectives of this agreement must use the most economical form of transportation available. All travel is to be scheduled sufficiently in advance, to the extent practicable, to take advantage of offered discount rates. Travel and Per Diem authorized under this agreement must be incurred in accordance with the Government Travel Regulations currently in effect. Current per diem rates are listed at: <http://www.gsa.gov/perdiem>.

Section 8.04 Changed Conditions of Performance

The Recipient must immediately notify the AA of any change in local law, conditions, or any other event, including any litigation challenging the validity of or seeking interpretation of any Federal law

or regulation applicable to the Federal hazmat program, which may significantly affect the Recipient's ability to perform the program in accordance with the terms of this Grant. The Recipient must also immediately notify the AA of any decision pertaining to the Recipient's conduct of litigation that may affect DOT interests.

Section 8.05 Site Visits

PHMSA, through its authorized representatives, may make site visits, at reasonable times, to review project accomplishments, management control systems and provide guidance as may be requested or required. If a site visit is made on the premises of the Recipient, subrecipient, subcontractor or third party under this Grant, the Recipient must provide and require all subrecipients, subcontractors or other third parties to provide reasonable facilities and assistance to PHMSA representatives in the performance of their duties. All site visits and evaluations will be performed in a manner to not unduly delay work activity under the Grant.

Article IX. Consideration and Payment

Section 9.01 Request for Advance/Reimbursement

Subject to the requirements in 49 CFR 18.21 being met (refer to Award Terms and Conditions, Section 14, "Payments") payments will be made after receipt of "Request for Advance or Reimbursement," SF-270. Each request must be submitted in an original to the AA, one copy to the AOTR. PHMSA will promptly review and forward it to the Payment Office for disbursement.

Section 9.02 Payment of Advance/Reimbursement

All Recipients must be registered in the Central Contractor Registration (CCR) to receive payments on their invoices. For information on how to register or update information, visit www.ccr.gov.

Section 9.03 Cost Sharing for Planning and Training

The Recipient must provide 20 percent of the direct and indirect costs of all activities covered under the grant award program with non-Federal funds. Recipients may either use cash (hard match), in-kind (soft-match) contributions or a combination of both to meet this requirement. In-kind (soft-match) contributions are in addition to maintenance of effort required of Recipients of grant awards. The types of contributions allowed are listed in 49 CFR 110.60. Federal funds may be expended before non-Federal matching funds, provided that total program costs at completion reflect the 80% percent Federal/20% percent non-Federal allocation of costs.

See Attachment 2 "Award Terms and Conditions" paragraph 14 for additional payment requirements.

**Department of Transportation
Pipeline and Hazardous Materials Safety Administration (PHMSA)**

**Financial Assistance Awards to State and Local Governments
Award Terms and Conditions**

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1. Definitions

- a) **Recipient** – An organization receiving financial assistance directly from Federal awarding agencies to carry out a project or program.
- b) **Authorizing Official/Agreement Officer (AO)** – The AO has full authority to negotiate, administer, and execute all business matters of the award. Further, should any changes to the scope, budget, schedule, or any other terms of the agreement become necessary, only the AO has the authority to amend the award.
- c) **Agreement Administrator (AA)** – The AA is responsible for the daily administration of the award. The AA is NOT AUTHORIZED to change the scope, budget, specifications, and terms and conditions as stated in the award, to make any commitments that otherwise obligates the Government or authorize changes which affect the award budget, delivery schedule, period of performance, or other terms and conditions.
- d) **Agreement Officer's Technical Representative (AOTR)/Project Officer** – The AOTR assists in monitoring the work under the award. The AOTR will oversee the technical administration of the award and will act as a technical liaison with the performing organization. The AOTR is NOT AUTHORIZED to change the scope, budget, specifications, and terms and conditions as stated in the award, to make any commitments that otherwise obligate the Government or authorize changes which affect the award budget, delivery schedule, period of performance, or other terms and conditions.
- e) **Program Manager/Project Manager (PM)** – The PM is the individual designated by the Recipient and approved by PHMSA who is responsible for the technical direction of the project. The PM cannot be changed or become someone substantially less involved than was indicated in the Recipient's proposal, without prior written approval of the Agreement Officer.

2. Recipient Responsibilities

In accepting a PHMSA financial assistance award (grant or cooperative agreement), the Recipient assumes legal, financial, administrative, and programmatic responsibility for administering the award in accordance with the laws, rules, regulations, and Executive Orders governing grants and cooperative agreements, and these Award Terms and Conditions, including responsibility for complying with any provisions included in the award.

Failure to comply with these requirements may result in suspension or termination of the award and PHMSA recovery of funds.

No term or condition of this grant is intended to require the Recipient to violate any applicable State or Territorial law.

3. Compliance with Award Terms and Conditions

Submission of a signed Request for Advance or Reimbursement (payment request) form constitutes the Recipient's agreement to comply with and spend funds consistent with all the terms and conditions of this award.

4. Order of Precedence

Any inconsistency or conflict in the terms and conditions specified in this Grant will be resolved according to the following order of precedence:

- a) The Federal statute authorizing this award or any other Federal statutes, laws, regulations or directives directly affecting performance of this Grant.
- b) Terms and Conditions of this Grant.
- c) If any provision of this Grant is held invalid, the remaining provisions are not affected.
- d) **NOTE: OMB Circulars are available at: www.whitehouse.gov/omb/circulars.**

5. Uniform Administrative Requirements

49 CFR 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" establishes administrative standards to ensure consistency among recipients of Federal awards. These include financial and program management, property and procurement standards, cost-sharing or matching, and reporting and record retention.

OMB Circular A-102, "Grants and Cooperative Agreements with State and Local Governments", as adopted by DOT in 49 CFR 18, is incorporated by reference into this award.

49 CFR 18 is available at: <http://www.dot.gov/ost/m60/grant/49cfr18.htm>.

6. Federal Cost Principles

We will determine allowable costs according to the applicable Federal cost principles and terms and conditions of the award.

The Recipient is subject to the provisions of OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments," codified in 2 CFR 225.

OMB Circular A-87, codified in 2 CFR 225, is incorporated by reference into this award.

2 CFR 225 is available at: http://www.whitehouse.gov/omb/fedreg/2005/083105_a87.pdf.

7. Audit Requirements

OMB Circular A-133, "Audits of States, Local Governments, and Nonprofit Organizations," includes specific guidance for conducting financial and compliance audits. The threshold for requiring an A-133 audit is \$500,000 in yearly expenditures of Federal funds. This amount is the aggregate of funds from all Federal sources.

OMB Circular A-133 is incorporated by reference into this award.

8. Restrictions on Lobbying

The Recipient may not conduct political lobbying, as defined in the statutes, regulations, and 2 CFR 225- "Lobbying", within the Federally-supported project. The Recipient may not use Federal funds for lobbying specifically to obtain grants and cooperative agreements. The Recipient must comply with 49 CFR 20, U.S. Department of Transportation "New Restrictions on Lobbying"

49 CFR 20 is incorporated by reference into this award.

49 CFR 20 is available at: <http://www.dot.gov/ost/m60/grant/regs.htm>.

9. Nondiscrimination

The Recipient must comply with Title VI of the Civil Right Act of 1964, which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. The Recipient must comply with 49 CFR 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964"

49 CFR 21 is incorporated by reference into this award.

49 CFR 21 is available at: <http://www.dot.gov/ost/m60/grant/regs.htm>.

10. Governmentwide Debarment and Suspension (Non-procurement)

The Recipient must comply with the provisions of EO 12549, "Debarment and Suspension," which generally prohibits entities that have been debarred, suspended, or voluntarily excluded from participating in Federal non-procurement transactions either through primary or lower-tier covered transactions. The Recipient must comply with 2 CFR Part 1200, "Department of Transportation Nonprocurement Suspension and Debarment."

Recipients are encouraged to subscribe to and utilize the Monthly Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs published by GSA and found at: www.epls.gov.

2 CFR Part 1200 is incorporated by reference into this award.

2 CFR Part 1200 is available at www.gpoaccess by clicking on [2 CFR Part 1200](#).

11. Drug-Free Workplace

The Recipient must comply with the provisions of Public Law 100-690, Title V, Subtitle D, "Drug-Free Workplace Act of 1988," which require the Recipient to take steps to provide a drug-free workplace. The Recipient must comply with 49 CFR 32, "Governmentwide Requirements for Drug Free Workplace (Financial Assistance)."

49 CFR 32 is incorporated by reference into this award.

49 CFR 32 is available at: <http://www.dot.gov/ost/m60/grant/regs.htm>.

12. DOT Order 4600.17A, "Financial Assistance Management Requirements"

DOT Order 4600.17A is incorporated by reference into this award.

DOT Order 4600.17A is available at: <http://www.dot.gov/ost/m60/grant/ord4600.htm>.

13. Treasury Circular No. 1075, "Regulations Governing Withdrawal of Cash From the Treasury for Advances Under Federal Grant and Other Programs (31 CFR 205)"

Treasury Circular No. 1075 is incorporated by reference into this award. This Circular can be found in Appendix 1 of Volume 1, Part 6, Chapter 2000 of the Treasury Financial Manual at: <http://fms.treas.gov/tfm/vol1/v1p6c200.txt>.

14. Payments

Payment to a Recipient may be made in advance, consistent with 49 CFR 18 and 31 CFR 205. To obtain an advance the Recipient must comply with the requirements of 49 CFR 110.70(c). If these items are not met, payment will be made by reimbursement.

To receive payment a Recipient must submit a "Request for Advance or Reimbursement," Standard Form SF-270. Each request must be submitted in an original to the AA, one copy to the AOTR at:

U.S. Department of Transportation
 Pipeline and Hazardous Materials Safety Administration
 Office of Hazardous Materials Safety, PHH-64
 1200 New Jersey Avenue, SE, E-23-301
 Washington, DC 20590-0001

- a) Method of payment.
 - i) The Government will make all payments under this agreement by electronic funds transfer (EFT), except as provided by paragraph (a)(ii) of this clause. As used in this clause, the term "EFT" refers to the funds transfer and may also include the payment information transfer.
 - ii) If the Government is unable to release one or more payments by EFT, the Recipient agrees either to –
 - (a) Accept payment by check or some other mutually agreeable method of payment; or
 - (b) Request the Government to extend the payment due date until such time as the Government can make payment by EFT (but see paragraph d. of this clause).
- b) Recipient's EFT information. The Government will make payment to the Recipient using the EFT information contained in the Central Contractor Registration (CCR) database. If the EFT information changes, the Recipient is responsible for providing the updated information to the CCR database.
- c) Mechanisms for EFT payment. The Government may make payment by EFT through either the Automated Clearing House (ACH) network, subject to the rules of the National Automated Clearing House Association, or the Fedwire Transfer System. The rules governing Federal payments through the ACH are contained in 31 CFR Part 210.
- d) Suspension of payment. If the Recipient's EFT information in the CCR database is incorrect, the Government is not obligated to make payment to the Recipient under this agreement until the correct EFT information is entered into the CCR database. An invoice or agreement-financing request is not a proper invoice for the purpose of prompt payment under this agreement.
- e) Recipient EFT arrangements. If the Recipient has identified multiple payment receiving points (i.e., more than one remittance address and/or EFT information set) in the CCR database, and the Recipient has not notified the Government of the payment receiving point applicable to this agreement, the Government will make payment to the first payment receiving point (EFT information set or remittance address as applicable) listed in the CCR database.
- f) Liability for uncompleted or erroneous transfers.

- i) If an uncompleted or erroneous transfer occurs because the Government used the Recipient's EFT information incorrectly, the Government remains responsible for –
 - (a) Making a correct payment;
 - (b) Paying any prompt payment penalty due; and
 - (c) Recovering any erroneously directed funds.
- ii) If an uncompleted or erroneous transfer occurs because the Recipient's EFT information was incorrect, or was revised within 30 days of Government release of the EFT payment transaction instruction to the Federal Reserve System, and –
 - (a) If the funds are no longer under the control of the payment office, the Government is deemed to have made payment and the Recipient is responsible for recovery of any erroneously directed funds; or
 - (b) If the funds remain under the control of the payment office, the Government will not make payment, and the provisions of paragraph d. of this clause apply.
- g) EFT and prompt payment. A payment will have been made in a timely manner in accordance with the prompt payment terms of this agreement if, in the EFT payment transaction instruction released to the Federal Reserve System, the date specified for settlement of the payment is on or before the prompt payment due date, provided the specified payment date is a valid date under the rules of the Federal Reserve System.
- h) EFT and assignment of claims. If the Recipient assigns the proceeds of this agreement, the Recipient must require, as a condition of any such assignment, that the assignee register in the CCR database and be paid by EFT in accordance with the terms of this clause. In all respects, the requirements of this clause will apply to the assignee as if it were the Recipient. EFT information that shows the ultimate recipient of the transfer to be other than the Recipient, in the absence of a proper assignment of claims acceptable to the Government, is incorrect EFT information within the meaning of paragraph d. of this clause.
- i) Liability for change of EFT information by financial agent. The Government is not liable for errors resulting from changes to EFT information made by the Recipient's financial agent.
- j) Payment information. The payment or disbursing office will forward to the Recipient available payment information that is suitable for transmission as of the date of release of the EFT instruction to the Federal Reserve System. The Government may request the Recipient to designate a desired format and method(s) for delivery of payment information from a list of formats and methods the payment office is capable of executing. However, the Government does not guarantee that any particular format or method of delivery is available at any particular payment office and retains the latitude to use the format and delivery method most convenient to the Government. If the Government makes payment by check in accordance with paragraph a. of this clause, the Government will mail the payment information to the remittance address contained in the CCR database.

15. Financial Reporting

- a) Financial reporting, except as provided in 49 CFR 110.70 and 49 CFR 18.41, must be supplied quarterly using a SF-269 or 269A, "Financial Status Report", to report the status of the funds. The program/project manager must report separately on planning and training. The AA may provide additional specific reporting requirements after award.

- b) At the end of the performance period, the Recipient must submit a Final Financial Status Report (Standard Form 269) to report the status of all funds.

16. Performance Monitoring

- a) Progress Report: During the performance of the grant, the Recipient may provide narrative written reports to the AOTR and the AA. The report should include a description of how the funds were used to accomplish the objectives of the grant.
- b) Final Report: At the end of the grant, the Recipient must deliver a final report to the AOTR and the AA that describes the results of all activities undertaken as a result of this grant.

17. Adherence to Original Project Objectives and Budget Estimates

- a) The Recipient is responsible for any commitments or expenditures it incurs in excess of the funds provided by an award. Expenditures incurred prior to the effective date of an award cannot be charged against an award unless provided for in the award.
- b) The Recipient must submit any proposed change that requires PHMSA's written approval 30 days prior to the requested effective date of the proposed change. PHMSA will not approve any change to the award during the last 30 days of the award period.

18. Prior Approvals

- a) Only the AO has authority to approve a request for a deviation from the non-statutory requirements of this grant.
- b) Only the AO has authority to give advance written approval for the following expenditures:
 - i) Changes in the scope, objective, or key personnel referenced in the Recipient's proposal.
 - ii) Change in the project period. PHMSA must receive this request no later than 30 calendar days prior to the end of the project period. The Recipient must submit a revised budget indicating the planned use of all unexpended funds during the extension period.
- c) The Recipient must submit a revised financial estimate and plan for (b)(i) or (b)(ii) above.
- d) The AA will notify the Recipient in writing within 30 calendar days after receipt of the request for revision or adjustment whether the request has been approved.

19. Contracting with Small and Minority Firms, Women's Business Enterprises, Veteran-Owned, and HubZone Area Firms

- a) The Department of Transportation's (DOT) policy is to award a fair share of contracts to small minority business, women-owned and HubZone firms. DOT is strongly committed to the objectives of this policy and encourages all Recipients of its Grants and Cooperative Agreements to take affirmative steps to ensure such fairness on the awarding of any subcontracts.
- b) The Recipient and any Sub-recipients are encouraged to take all necessary affirmative steps to assure that small, women-owned, minority disadvantaged businesses, veteran, and HUBZone business firms are used when possible.
- c) Affirmative steps include:
 - i) Placing qualified small and minority-disadvantaged businesses, women owned business enterprises, veteran-owned and HUBZone business firms on solicitation lists;

- ii) Assuring that small and minority businesses, women's business enterprises, veteran-owned and HUBZone business firms are solicited whenever they are potential sources;
- iii) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority businesses, women's business enterprises, veteran-owned, and HUBZone business firms;
- iv) Establishing delivery schedules, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority business, women's business enterprises, veteran-owned, and HUBZone business firms; and
- v) Using the services and assistance of the Small Business Administration and the Office of the Small and Disadvantaged Business Utilization of the Department of Transportation, as appropriate.

20. Seat Belt Use Policies and Programs

In accordance with Executive Order 13043, the Recipient is encouraged to adopt on-the-job seat belt use policies and programs for its employees when operating government-owned, company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this presidential initiative. For information on how to implement such a program or for statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at www.nhtsa.dot.gov. Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in Washington, D.C. dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to help with technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 85 percent seat belt use. NETS can be contacted at 1-888-221-0045 or visit its website at www.trafficsafety.org.

21. Collection of Data

- a) Recipients may use DOT grant funds to collect information when the collection is not a primary objective of the grant, but is incidental to a grant supported activity or when the collection is a primary objective, but the information is not intended for Government use or for a party designated by the Government.
- b) Recipients are prohibited from representing to their respondents that information is being collected for , or in association with, the Federal Government unless the AO has given prior approval and OMB clearance procedures contained in 5 CFR 1320 have been followed where required.

22. Rights in Technical Data

Rights to intangible property under this agreement are governed in accordance with 49 CFR 18.34, "Copyrights."

23. Title to Equipment

Title to equipment purchased or fabricated under this grant vests in the Recipient or subrecipients, respectively, except DOT reserves the right to require the Recipient or subrecipient to transfer title to items of equipment to the Federal Government or a third party

named by DOT, when such a third party is otherwise eligible under existing statutes. Such transfers are subject to the standards contained in 49 CFR 18.32.

24. Violation of Award Terms

If the Recipient has materially failed to comply with any term of the award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award or elsewhere, the Agreement Officer may suspend, terminate, or take other remedies as may be legally available and appropriate in the circumstances. See 49 CFR 18.43, 18.44 and 110.100.

25. Fraud, Waste, or Abuse

The DOT Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. Such reports are kept confidential and callers may decline to give their names if they choose to remain anonymous. The number is: (800) 424-9071.

The mailing address is:

DOT Inspector General Hotline
P.O. Box 708
Fredericksburg, VA 22404
Phone: 1.800.424.9071
Fax: 540.373.2090
Email: hotline@oig.dot.gov
Web: <http://www.oig.dot.gov/Hotline>



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration**

**Hazardous Materials Emergency Preparedness (HMEP) Grant Program
Application Kit and Program Reporting Guidance**

*Hazardous Materials Public Sector
Training and Planning Grants for States and Territories*

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HMEP Grant Guidance for States and Territories

Preparation of Application for Assistance
Hazardous Materials Emergency Preparedness (HMEP) Grant

Application Kit

This document is intended to guide States and Territories in applying for training and planning grants under the Hazardous Materials Emergency Preparedness (HMEP) program (49 CFR Part 110).

For further information, contact Charles Rogoff, Manager, HMEP Grants Program of the U.S. Department of Transportation (USDOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) at (202) 366-0001.

Purpose of this Grant Program

The Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005 authorizes the U.S. DOT to provide assistance to public sector employees through training and planning grants to States, Territories, and Native American tribes for emergency response. The purpose of this grant program is to increase State, Territorial, Tribal, and local effectiveness in safely and efficiently handling hazardous materials accidents and incidents, enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), and encourage a comprehensive approach to emergency training and planning by incorporating the unique challenges of responses to transportation situations.

Proposal Development

Training and planning are two parts of the comprehensive national grant program. State and Territory applicants are encouraged to request funds to conduct one or both parts in a single application package (if both are included in one package, separate budgets for training and planning must be included). DOT/PHMSA will simplify the grant process by awarding funds for both parts in one grant document.

Because training and planning components for the grant program are funded separately by a special national registration fee program, DOT/PHMSA has a fiduciary responsibility to obligate and account for training and planning funds separately. Therefore, separate accounts for costs must be established for each in the application and grantee records.

Training and Planning

Application Requirements

A training and planning grant application from a State or Territory must be accompanied by a letter from the Governor designating an entity to receive Federal funds if it has not already been provided to PHMSA. DOT encourages the designated entity to obtain substantive knowledge of the status of training and planning under EPCRA, familiarity with State and local emergency preparedness and response capabilities and training needs. Also required is a statement that all members of the State Emergency Response Commission (SERC) have been given an opportunity to review the grant application.

To be approved for a planning grant, a State or Territory must agree that it is complying with Sections 301 and 303 of EPCRA and the National Incident Management System (NIMS). With respect to Section 301, the State or Territory must state that a SERC has been established, emergency planning districts have been designated, and Local Emergency Planning Committees (LEPC) have been appointed by the SERC. The State or Territory also must describe the status of the LEPCs' emergency response plans and their compliance with Section 303. In addition, the State or Territory must agree that the aggregate expenditure of funds (as defined by the State or Territory), exclusive of Federal funding, for planning activities will not fall below its average expenditure for its last 5 fiscal years. The State or Territory also must agree to make available to LEPCs at least 75 % of the Federal planning grant funds provided.

To be eligible for a training grant, a State or Territory must agree that it is complying with Sections 301 and 303 of EPCRA. With respect to Section 301, the State or Territory must state that a SERC has been established, emergency planning districts have been designated, and LEPCs have been appointed by the SERC. The State or Territory also must describe the status of the LEPCs' emergency response plans and their compliance with Section 303. In addition, the State or Territory must agree to make at least 75 % of the awarded Federal funds available for the purpose of training employees either employed or used by political subdivisions. The State or Territory also must agree that it will maintain a 2-fiscal-year average of its own aggregate level of expenditures (as defined by the State or Territory) for training public sector employees and volunteers to respond to accidents and incidents involving hazardous materials and agree to use courses consistent with the National Curriculum Guidelines developed under HMEP.

Project and Budget Periods

Funding will be provided on the basis of approximately one-year budget periods. Each budget period will be funded according to a specifically defined budget and statement of work.

Matching Funds

For both training and planning grants, States must contribute a minimum of 20 % matching share to the total cost of the grant project. Thus, if the total cost of the project is \$50,000, the State or Territory must provide at least \$10,000, and DOT will provide no more than \$40,000. The matching requirement must be satisfied by costs incurred by the grantee or by the value of in-kind contributions. Funds or costs used for matching purposes under any other Federal grant or cooperative agreement may not be used for matching purposes. The 2-year averaged non-Federal aggregate amount cannot be used for matching (in other words, the State's or Territory's matching share must be new money, either new State or Territory funds or new in-kind contributions).

Grant Target Amounts

The letter transmitting the continuation application kit advises applicants of the target amount of Federal funds available that may be applied for. The scope of work and the budget (Federal and non-Federal funds) should reflect the proposed activities to be conducted during the continuation grant period.

For planning grants, approved applicants who include all required information and agree to comply with Sections 301 and 303 of EPCRA will receive an amount determined by using the following key factors: (1) number of 302 facilities filing to date (Section 302 of the Superfund Amendments and Reauthorization Act of 1987 [SARA], Title III, requires any facility with one or more emergency hazard sites above a threshold quantity to identify itself to the SERC and the LEPC. In turn, the LEPC must develop a comprehensive emergency plan that includes all covered 302 facilities and transportation routes as well as other hazardous materials risks); (2) population; and (3) hazardous materials truck miles within the State or Territory.

For training grants, approved applicants who include all required information will receive an amount determined by using, the following key factors: (1) population; (2) the number of chemical facilities listed in the summary provided by the Bureau of Census, Bureau of Economic Analysis; and (3) highway miles (within the State or Territory).

Application Submission Requirements

PHMSA is posting grant opportunities and collecting application packages through the grant store-front system called Grants.gov. Separate specific instructions on completing the application package will be provided with the grant package in Grants.gov.

1. A complete application package must be submitted electronically in Grants.gov by July 1 to assure funding on or before October 1.
2. A signed hard copy package (one original, one copy) must be mailed within seven business days of the electronic submittal to:

HMEP Grants Manager
USDOT
Pipeline and Hazardous Materials Safety Administration
East Building Second Floor PHH-64
1200 New Jersey Ave SE
Washington, DC 20590

Grant Specialists Contacts

Grant Content and Program Inquiries:

Charles Rogoff – DOT (202)366-0001
Windy Hamilton - DOT (202) 366-8007

Kyra Stewart - DOT (202) 366-8752
FAX (202) 366-3753

Grants.gov Application Processing:

Carrie Brown – DOT (617) 494-3318
FAX 617-494-3770

Progress Reporting

The HMEP grant program, supporting State, Territorial and Tribal planning and training to enhance the response procedures for emergencies involving transportation of hazardous materials has relied heavily on recipient organizations to operate the best possible program for their jurisdiction. The latitude given grant recipients has resulted in a rapid increase, by all accounts received to date, in both planning and training.

It is important that we assess at all jurisdictional levels what has been accomplished just as you are continuing your assessments of planning and training needs.

Your insight and cooperation would be appreciated in developing a relatively concise and easy reporting scheme that will provide data that can be used to support all hazardous materials projects.

For example, planning should at least reflect the following:

1. Quantitative and qualitative assessment of development, improvement and implementation of emergency plans
2. Systems to determine and maintain information on flow patterns of hazardous materials
3. Need for regional response teams
4. Local response capabilities
5. Plans for conducting drills and exercises
6. Description of progress made toward meeting planning objectives as stated in your application
7. Description of unmet planning objectives and proposed approach to meet the objectives

Examples of training should at least reflect the following:

1. Number of public sector employees needing training
2. Training delivered to public sector employees
3. Training drills and exercises completed and planned
4. Description of progress made toward meeting training objectives as stated in your application
5. Description of unmet training objectives and proposed approach to meet the objectives

Checklist for Grant Application Preparation

ITEMS TO BE SUBMITTED VIA GRANTS.GOV BY STATES AND TERRITORIES FOR HMEP GRANTS

- Application for Federal Assistance (SF-424)
- Budget Information for Non-Construction Programs (SF-424A)
- Assurances for Non-Construction Programs (SF-424B)
- Combined Assurances (ED-80-0013)
- Written narrative in electronic format following the outline in the next section

Narrative Outline

Your written narrative in electronic format must follow the following outline:

All Grant Applications – Items Required:

1. Agency Identification *{Please indicate the agency name and address, and Agency Director's name}*
2. Transportation Fees *{Explain whether the State/Territory assesses and collects fees on the transportation of hazardous materials and whether such assessments or fees are used solely to carry out purposes related to the transportation of hazardous materials}.*
3. Contact Information *{State the designated project manager including the name, position, address, email address, and telephone number of that individual who will be responsible for coordinating the funded activities with other agencies and organizations}.*
4. Report of Progress
 - Planning Grant – *{Report progress made toward achieving the project objectives stated in the preceding budget periods for the Planning Grant.}*
 - Training Grant – *{Report progress made toward achieving the project objectives stated in the preceding budget periods for the Training Grant.}*
5. Report of Changes in Program Goals and Objectives. *{Report any proposed changes to the previously approved project goals and objectives.}*
6. Statement of Work for upcoming budget period
 - Planning Grant - *{Provide a statement of work for the upcoming budget period that describes and sets priorities for the activities and tasks to be conducted, the costs associated with each activity, the number and types of deliverables and products to be completed, and a schedule for implementation.}*
 - Training Grant - *{Provide a statement of work for the upcoming budget period that describes and sets priorities for the activities and tasks to be conducted, the costs associated with each activity, the number and types of deliverables and products to be completed, and a schedule for implementation.}*
7. SERC and LEPC Involvement. *{Provide a statement detailing appropriate SERC and LEPC involvement}*
8. Supplies and Equipment. *{Provide a description of supplies and equipment needed to implement the statement of work and justification for these needs.}*

Planning Grant – Items Required (Items below may be referenced above or attached as a separate document (such as spreadsheets, scanned images, etc.))

1. State compliance with the EPCRA, Sections 301 and 303. *{Provide an explanation of how the State or Territory is complying with Sections 301 and 303 of EPCRA.}*
2. State compliance agreement with NIMS. *{Provide an explanation of how the State or Territory is complying with NIMS.}*
3. SERC review of grant application. *{Provide a statement indicating that all members or the SERC were provided the opportunity to review the grant application.}*
4. Emergency planning activities being conducted by adjacent States and Native American Tribes. *{Provide a description of the coordination with emergency planning activities being conducted by adjacent States and Native American Tribes.}*
5. Statement of aggregate expenditures. *{Provide a written statement specifying the aggregate expenditure of funds by the State or Territory, exclusive of Federal funds, for each of its last 2 fiscal years (as defined by the State or Territory) for developing, improving, and implementing emergency plans under EPCRA. A written certification that the applicant's aggregate expenditure of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last 2 fiscal years.}*
6. Statement of at least 75% of funds for LEPCs. *{Provide a statement agreeing to provide at least 75% of funds for training of public sector employees.}*
7. Goals and Objectives. *{Provide a project narrative statement describing the goals and objectives of the proposed project, see page 17 for details to include.}*
8. Long-term goals and objectives. *{Provide a statement describing the applicant's long-term goals and objectives with respect to:*

The current abilities and authorities of the applicant's program for preparedness planning;

The need to sustain or increase program capability;

The current degree of participation in or intention to assess the need for a regional hazardous materials emergency response team;

The impact that the grant will have on the program;

A discussion of whether the applicant knows, or intends to assess, transportation flow patterns of hazardous materials within the State and between the State and another State;

A schedule for implementing the proposed grant activities; and

A statement describing the ways in which planning will be monitored by the recipient.}

Training Grant – Items Required (Items below may be referenced above or attached as a separate document (such as spreadsheets, scanned images, etc.))

1. State compliance with the EPCRA, Sections 301 and 303. *{Provide an explanation of how the State or Territory is complying with Sections 301 and 303 of EPCRA.}*
2. State compliance agreement with NIMS. *{Provide an explanation of how the State or Territory is complying with NIMS.}*
3. Statement: SERC review of grant application. *{Provide a statement indicating that all members or the SERC were provided the opportunity to review the grant application.}*
4. Statement of aggregate expenditures. *{Provide a written statement specifying the aggregate expenditure of funds by the State or Territory, exclusive of Federal funds, for each of its last 2 fiscal years (as defined by the State or Territory) for developing, improving, and implementing emergency plans under EPCRA. A written certification that the applicant's aggregate expenditure of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last 2 fiscal years.}*
5. Statement of at least 75% of funds for training of public sector employees. *{Provide a statement agreeing to provide at least 75% of funds for training of public sector employees.}*
6. Point of Contact for coordinated training, and designation of location for course materials. *{Provide the designation of a primary point of contact for coordinating training funded under this program, and identify a single repository for copies of course materials delivered under this grant.}*
7. Training Plan. *{To ensure that proposed training activities are part of a broader and coordinated training effort for a State or Territory, a project narrative statement describing the State's or Territory's overall training plan and changes anticipated during the upcoming budget period should be submitted. This statement should include the following information:*
 - a) *Short- and long-range goals and objectives of each proposed project and of overall program;*
 - b) *A description of the overall training needs of the jurisdiction, quantified in terms of number of persons needing training and the number of persons currently trained in the different disciplines and planning and response functions (e.g., number of firefighters, EMTs, EMSs to be trained with grant funds);*
 - c) *An explanation of the ways in which the training grant will support the diversity of needs in the jurisdiction, such as decentralized delivery of training to meet the needs and time considerations of local responders or how the grant program will accommodate the different training needs for rural versus urban environments; and*
 - d) *An explanation of quality control measures, including but not limited to random examinations, inspections, and audits of training, to maximize the cost effectiveness and impact of the program.}*

8. Course Information. *{Provide information on the individual courses for which funding is being requested in the grant application, including confirmation that the course is compliant with the guidelines.}*
9. Training activities Schedule. *{Provide a schedule for implementing the proposed training grant activities in the upcoming budget period.}*
10. Estimate of levels of training and funds. *{Provide a general estimate of the levels of training and funds that might be needed to fully address the State's or Territory's training requirements during the project period. This estimate will probably involve projected annual expenditures and grant requests that are greater than the amount allocated for a jurisdiction in the previous budget period of the grant program.}*

Planning Grant Guidance

The purpose of this planning grant guidance is to help you make better informed decisions regarding your grant application. In addition to providing an outline of the information needed in your application, it identifies technical assistance materials that can provide useful information for selecting grant-eligible activities. Examples of transportation-related projects undertaken by SERCs and LEPCs across the country also are included.

The primary objective of the planning grants program is to develop, improve, and implement emergency plans under EFCRA as well as determine the need for regional hazardous materials emergency response teams. To accomplish these objectives, specific activities that will improve planning have been identified by Congress as those that are eligible for funding. Among these are conducting commodity flow assessments, hazards analysis, drills and exercises; assessing local response capabilities; and enhancing emergency plans.

The general guidance document suggests the development of a multiyear program strategy. If you did not set out a clear multiyear strategy in your previous application, you should consider doing so as part of your continuation application. To implement a multiyear application strategy, you should know where your State currently stands in the planning process and how HMEP funds will be prioritized and made available for use by LEPCs. You can then build a revised program mission, chart the priority activities for the coming years, and begin your continuation application project narrative statement. What are your broad program objectives? How can you supplement the previous activities? For example, if you focused attention on certain LEPCs during the previous years, do you plan to continue with that strategy, or will you pinpoint a different group during each budget period?

Beginning the Process

Several questions should be considered to determine where the State is in the planning process. What percentage of the population is covered by emergency plans? Are these emergency plans based on technically-sound hazards analyses? To what degree is transportation-related risk considered in these plans? Have the plans been tested by conducting exercises?

Establishing Priorities

HMEP funds will be provided to the State, but according to the statute, at least 75 % of those funds must be passed through to LEPCs. Because each State has unique risks and unique planning organizations associated with it, each State should consider prioritizing the uses of its HMEP allocation. Depending on the circumstances in your State, it might make the most sense to allocate an equal amount of money to each LEPC. Another option is to provide larger sums to specific areas with the greatest need. Questions to consider when making this determination include: Are there certain geographical areas that are of particular concern, especially considering transportation-related concerns? Is there a way to distribute HMEP funds based on the presence of specific high-risk, high-priority chemicals?

What Should the Planning Project Narrative Include?

The project narrative required sets out the goals and objectives of your HMEP program. You should update and include changes to the following elements for each major activity you are proposing:

- *Background Statement.* This is the long-term goals and objectives for the program and should include:
 - *Current Authorities.* Describe your State legislation and the funding mechanism(s) that provide the structure to your program.
 - *Increasing Program Capability.* What are your State's primary planning needs? By linking your needs with the grant-eligible activities, you will justify your proposal.
 - *Regional Hazardous Materials Teams.* Does your State presently participate in regional hazardous materials emergency response teams? Do you see a need for such involvement in the future?
- *Impact on the Program.* What impact will HMEP have in your State? How will it fit into your overall plan to implement EPCRA?
- *Transportation-Related Work.* What is the potential for problems associated with transportation flow patterns of hazardous materials within your State and between your State and others? If commodity flow information is not available, do you plan to assess these patterns? This type of study can provide you with valuable information on potential transportation accidents within your State.
- *Time Line.* Include a realistic schedule for implementing the activities you have proposed. This could include a single-year or multiyear plan.
- *Monitoring Efforts.* How do you intend to monitor the program? Describe the types of mechanisms required by your State and within your agency for financial and programmatic monitoring.
- *Coordination of Planning.* Include a description of how planning under the grant will be coordinated with emergency planning conducted by adjacent States and Indian Tribes.

Eligible Project Activities for Continuation Planning

Planning grants may be made to reimburse States and Territories for (1) developing, improving, and implementing emergency plans under the EPCRA; (2) determining the flow patterns of hazardous materials within a State or between one State and another State; and (3) determining the need for regional hazardous materials emergency response teams.

States are required to pass through at least 75 % of the grant amount to LEPCs.

An application should reflect how these funds were passed through from the applicant's current grant to the LEPCs and the applicant's proposed actions for use of continuation grant funds.

The following specific activities continue to be eligible for planning grants:

- Development, improvement, and implementation of emergency plans required under EPCRA as well as exercises that test the emergency plans. Enhancement of emergency plans to include hazards analysis as well as response procedures for emergencies involving transportation of hazardous materials, including radioactive materials;
- Management activities associated with the pass-through of funds to the LEPCs;
- An assessment to determine flow patterns of hazardous materials within a State or between one State and another State, Territory or Native American land; also development and maintenance of a system to keep such information current;
- An assessment of the need for regional hazardous materials emergency response teams;
- An assessment of local response capabilities;
- Conducting emergency response drills and exercises associated with emergency preparedness plans;
- Technical staff to support the planning effort staff funded under planning grants cannot be diverted to support other requirements of EPCRA; and
- Additional activities that the DOT Associate Administrator for Hazardous Materials Safety deems appropriate to implement the scope of work for the proposed project.

An application should reflect progress made toward accomplishing the objectives stated in an applicant's previous award documents. Should the applicant wish to modify its project, the applicant must identify the changes wanted, establish specific outputs to be achieved during the upcoming budget period, and reflect the proposed revised activities in the upcoming budget period.

Training Grant Guidance

Eligible Project Activities for Continuation Training

Training grants will be made available to States and Territories for training public sector employees to respond safely and efficiently to accidents and incidents, including those involving transportation of hazardous materials. Training may be designed for public officials who are not responders but who perform activities associated with emergency response plans developed under EPCRA. **Operational equipment to be used in response to hazmat exercises is excluded from consideration for funding under this grant program.**

States and Territories must ensure that at least 75 % of training grant funds are used to benefit public sector employees. The continuation application should reflect how the current grant is being used to benefit public sector employees and how the applicant expects to accomplish this goal using continuation grant funds. The following training delivery options may be used by the State or Territory to meet the 75 % requirement:

- Develop and deliver training to the public sector employees according to the priority needs and requests of the LEPCs;
- Distribute training grant funds directly to the LEPCs to support public sector employee training delivered by any provider; and
- Distribute training grant funds directly to the public sector employees so that the employees can attend approved training courses.

The following activities are also eligible for HMEP training grant support:

- Training audience assessment to determine the number of public sector employees employed or used by a political subdivision who need the proposed training and to select courses consistent with the National Curriculum guidelines;
- Delivery of comprehensive preparedness and response training to public sector employees to include design of preparedness and response training to meet specialized needs; student and instructor course materials and manuals; student tuition, travel, and per diem costs; instructor costs; training facility rental; and equipment rental necessary to deliver an approved course. For training grants, equipment purchases for use as props for training may be approved with a proper justification. Costs for such equipment will be determined as reasonable based on a review by DOT;
- Training by a person (including a department, agency, or instrumentality of a State, Territory, or political subdivision thereof or a Native American tribe) and activities necessary to monitor such training including examinations, critiques, and instructor evaluations;

- Management of the training effort to achieve increased benefits, proficiency, and rapid deployment of public service employees who respond to accidents and incidents involving hazardous materials;
- Emergency response drills and exercises associated with training, a course of study, and tests and evaluation of emergency preparedness plans; and
- Additional activities that the DOT Associate Administrator for Hazardous Materials Safety deems appropriate to implement the scope of work for the proposed project and that are approved in the grant.

Allowable Training Grant Expenses

Reasonable costs required to accomplish "eligible project activities" and reflected in the continuation application and grant agreement are allowable. States will be given the option to award subcontracts, supported in their applications, to another entity, such as an institution of higher education or a private contractor.

A charge for student tuition will be allowable as long as the proceeds are used for HMEP training activities. If the course is provided at no cost to the student, costs incurred to provide the course are allowable.

On request, participating Federal agencies will provide States "camera-ready" copies of Federal course materials needed for training, which States can duplicate themselves. Such duplication costs will be allowable expenses under HMEP. Materials purchased from the private sector also will be allowable expenses.

Non-allowable Training Grant Expense

Overtime for participation in exercises is not an allowable personnel expense.

CURRICULUM GUIDANCE

Background

In 1994, DOT first provided the Guidelines for Public Sector Hazardous Materials Training to HMEP grantees to assist in the curriculum management of the training programs funded by the HMEP grant program.

In addition, in an ongoing effort, DOT coordinated with the HMEP grantees the self-assessment of response training courses for public sector employees. The list of courses that have been assessed for compatibility with the HMEP curriculum guidelines includes the State, Federal and professional association programs used by the HMEP grantees in their respective training curriculums. The results of the response course self-assessment program are provided to the HMEP grantees in the document HMEP List of Assessed Response Courses, which is enclosed with this grant guidance. The HMEP assessment of response training courses will be an on-going process, and new or updated courses will continuously be assessed and added to the *HMEP List of Assessed Response Courses*. Therefore, this catalog will be regularly updated and updates provided to HMEP grantees as additional course assessments are made available.

Current Training Grant Curriculum Directions

Planning and Prevention Training

For planning and prevention training to be reimbursed under the HMEP training grant program, grantees should review the current edition of the Guidelines for Public Sector Hazardous Materials Training and should ensure that proposed training courses are within the scope and focus of the curriculum guidance for these training areas.

Response Training

For response training to be reimbursed under the HMEP training grant program, the courses used should be assessed using the HMEP response course self-assessment materials. The HMEP grant program maintains the policy of supporting each grantee's independent authority over their respective training curriculums. To both continue this policy and ensure that response courses assessed, grantees are asked to either:

1. **Use response courses that have been assessed** for compliance with guidelines and are so indicated in the enclosed HMEP List of Assessed Response Courses. Later editions of courses on the list are acceptable if the grantee judges that the updated edition does not significantly alter the substance and scope of the training course. The list of assessed hazmat courses is available from FEMA/USFA, 301-447-1009.

OR

2. **Provide a completed self-assessment** to FEMA/USFA, 301-447-1009 for courses not in the current *HMEP List of Assessed Response Courses*.

HMEP curriculum guidance materials

- Current Guidelines for Public Sector Hazardous Materials Training
- HMEP List of Assessed Response Courses
- HMEP Hazardous Materials Response Course Self-Assessment Kit

Closeout, Payment Reporting Guidance

CLOSEOUT OF GRANT AWARD

Background

When PHMSA awards an HMEP grant, the agreement defines a specific "budget period" during which the funds are available to the grantee. For HMEP grants each budget period will be approximately 1 year. A financial status report and a progress report are required at the end of each budget period

The recipient uses the award agreement as its authority to enter into its own obligations for internal expenses, contracts, etc., to carry out agreed-on activities during the approved budget period. The grant agreement serves as the document that obligates DOT funds for purposes of accomplishing project objectives during an approved budget period. At the end of each quarter the recipient must provide to PHMSA a Financial Status Report (Form 269) (see page 30). If the fourth quarter report is not a "final" report, then the recipient must provide a final report showing obligations and liquidations for the covered grant period.

State and Territorial recipients of HMEP training and planning grants should be aware of grant policy regarding closeout of each grant award and disposition of any unused funds awarded to carry out projects authorized by HMEP. Often, particularly in the early stages of a project, expenditures of grant funds do not proceed as planned. This situation may occur for many reasons; for example, inability to hire a staff person, inability to conduct or schedule training sessions prior to the end of a budget period, changing priorities, or modifications to the initially proposed scope of work. For whatever reason, there are many instances when a recipient has not obligated significant amounts of its Federal grant funds at the conclusion of a budget period. This section clarifies procedures for disposing of unobligated balances and closing out the financial accounting for each grant award.

One aspect of financial closeout is the payment of grantee outlays. All recipients are encouraged to request reimbursement for the Federal share of outlays as needed or as soon as possible after completion of each budget period. Standard Form 270, Request for Advance or Reimbursement, (see page 28) is to be used for requesting payments. If balances are not drawn down, they may be deobligated and will no longer be available for grantee use.

GENERAL FINANCIAL CLOSEOUT PROCEDURES

Closeout Reporting Requirements

Both program progress and financial status reports must be submitted for each budget period. The progress report must be submitted to the HMEP Grants Manager no later than 90 days after the budget period is completed. See page 9 for guidance on progress reporting.

The Financial Status Report (FSR), Standard Form 269 (see page 30), must be used to complete financial reporting for each grant period funded. Copies of the FSR may be made or may be requested from the HMEP Grants Manager. A final FSR should be submitted to the HMEP Grants Manager within 90 days of the completion of each budget period.

Zero Balance Closeout

When all Federal funds and all required matching non-Federal funds have been used for purposes approved in the grant, line 10.m. of the FSR will be zero. This zero unobligated balance of Federal funds authorizes DOT to close out the funding period identified by the FSR, subject only to a future audit.

Decreases in Obligation Amounts

Unobligated balances of funds may exist at the end of a grant period and a determination must be made by the grantee that the unused funds should be decreased from the grant funds available. Usually these situations involve relatively small amounts of grant funds; however, decreases may be needed for many reasons, and thus the amount of the decrease, if any, will vary from grant to grant. The amount of the decrease will be identified on line 10.m. of the final FSR. Any recovery of grant unobligated balances will be considered a recovery to the registration fee fund and will be used to accomplish HMEP objectives.

SF-270 – Request for Advance or Reimbursement

This form may be obtained online here: <http://www.whitehouse.gov/omb/grants/sf270.pdf>

REQUEST FOR ADVANCE OR REIMBURSEMENT <small>(See instructions on back)</small>		OMB APPROVAL NO. 0348-0004		PAGE 1 OF _____ PAGES				
		1. TYPE OF PAYMENT REQUESTED a. "X" one or both boxes <input type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT b. "X" the applicable box: <input type="checkbox"/> FINAL <input type="checkbox"/> PARTIAL		2. BASIS OF REQUEST <input type="checkbox"/> CASH <input type="checkbox"/> ACCRUAL				
3. FEDERAL SPONSORING AGENCY AND ORGANIZATION ELEMENT TO WHICH THIS REPORT IS SUBMITTED		4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY		5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST				
6. EMPLOYER IDENTIFICATION NUMBER	7. RECIPIENT ACCOUNT NUMBER OR IDENTIFYING NUMBER	8. PERIOD COVERED BY THIS REQUEST FROM (month, day, year) TO (month, day, year)						
9. RECIPIENT ORGANIZATION Name Number and Street City, State and ZIP Code		10. PAYEE (Where check is to be sent if different than Item 9) Name Number and Street City, State and ZIP Code						
11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED								
	(a)	Planning	(b)	Training	(c)		(d)	
PROGRAMS/FUNCTIONS/ACTIVITIES ▶								TOTAL
a. Total program outlays to date <small>(As of date)</small>								
b. Less: Cumulative program income								
c. Net program outlays <small>(Line a minus line b)</small>								
d. Estimated net cash outlays for advance period								
e. Total <small>(Sum of lines c & d)</small>								
f. Non-Federal share of amount on line e								
g. Federal share of amount on line e								
h. Federal payments previously requested								
i. Federal share now requested <small>(Line g minus line h)</small>								
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances	1 st month							
	2 nd month							
	3 rd month							
12. ALTERNATE COMPUTATION FOR ADVANCES ONLY								
a. Estimated Federal cash outlays that will be made during period covered by the advance								
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period								
c. Amount requested <small>(Line a minus line b)</small>								
AUTHORIZED FOR LOCAL REPRODUCTION			<small>(Continued on Reverse)</small>			STANDARD FORM 270 (Rev. 7-97) Prescribed by OMB Circulars A-102 and A-110		
13. CERTIFICATION								
I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.	SIGNATURE OF AUTHORIZED CERTIFYING					DATE REQUEST SUBMITTED		
	TYPED OR PRINTED NAME AND TITLE					TELEPHONE (AREA CODE, NUMBER, EXTENSION)		

SF-269 – Financial Status Report

FINANCIAL STATUS REPORT <small>(State/territory use only)</small>		FEDERAL AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH REPORT IS SUBMITTED		FEDERAL ORIGIN OR OTHER IDENTIFYING NUMBER		FEDERAL ORIGIN OR OTHER IDENTIFYING NUMBER		FEDERAL ORIGIN OR OTHER IDENTIFYING NUMBER	
3. RECIPIENT ORGANIZATION (Name and address, including ZIP code)		4. EMPLOYER IDENTIFICATION NUMBER		5. RECIPIENT ACCOUNT NUMBER (See instructions)		6. FUND REPORT PERIOD COVERED BY THIS REPORT		7. DATE	
8. FROM (Month, day, year)		9. TO (Month, day, year)		10. FROM (Month, day, year)		11. TO (Month, day, year)		12. FROM (Month, day, year)	
13. STATUS OF FUNDS		14. TYPE OF RATE		15. TYPE OF RATE		16. TYPE OF RATE		17. TYPE OF RATE	
18. PROGRAMS/ACTIVITIES		19. FEDERAL FUNDS		20. FEDERAL FUNDS		21. FEDERAL FUNDS		22. FEDERAL FUNDS	
a. All outlays previously reported		b. Total outlays this report period		c. Less: Program income credits		d. Net outlays this report period (Line b minus line c)		e. Net outlays to date (Line a plus line d)	
f. Less: Non-Federal share of outlays		g. Total Federal share of outlays (Line e minus line f)		h. Total unliquidated obligations		i. Less: Non-Federal share of unliquidated obligations (Line h minus line i)		j. Federal share of unliquidated obligations	
k. Total Federal share of outlays and unliquidated obligations		l. Total cumulative amount of Federal funds obligated		m. Unobligated balance of Federal funds		n. TYPE OF RATE		o. TYPE OF RATE	
11. DIRECT EXPENSE		12. INDIRECT EXPENSE		13. TOTAL AMOUNT		14. FEDERAL SHARE		15. DATE REPORT SUBMITTED	
16. SIGNATURE OF ALL INDIVIDUALS CERTIFYING THIS REPORT IS CORRECT AND COMPLETE AND FOR THE PURPOSES SET FORTH IN THE CHARTER OF THE UNITED STATES		17. SIGNATURE OF ALL INDIVIDUALS CERTIFYING THIS REPORT IS CORRECT AND COMPLETE AND FOR THE PURPOSES SET FORTH IN THE CHARTER OF THE UNITED STATES		18. SIGNATURE OF ALL INDIVIDUALS CERTIFYING THIS REPORT IS CORRECT AND COMPLETE AND FOR THE PURPOSES SET FORTH IN THE CHARTER OF THE UNITED STATES		19. SIGNATURE OF ALL INDIVIDUALS CERTIFYING THIS REPORT IS CORRECT AND COMPLETE AND FOR THE PURPOSES SET FORTH IN THE CHARTER OF THE UNITED STATES		20. SIGNATURE OF ALL INDIVIDUALS CERTIFYING THIS REPORT IS CORRECT AND COMPLETE AND FOR THE PURPOSES SET FORTH IN THE CHARTER OF THE UNITED STATES	

STANDARD FORM 269 (7-74)
 Issued by Office of Management and Budget
 G. P. O. No. 4-110

HMEP Grant Accountability Questions

Beginning with the application for FY 2008 funds, applicants will be asked to respond to the following additional questions:

Part 1 Reporting of Authorized Expenditures

Please complete the table on the funds spent on planning and training grants. The totals should account for 100 percent of the funds granted to a State, Territory, or Tribal government.

ACCOUNTING OF HMEP GRANT FUNDS EXPENDED IN THE REPORTED GRANT YEAR			
Section of 49 CFR	Authorized Activity	Expenditures (Dollars)	Percent of Total Grant
§110.40 (a)	<i>Planning</i>	//////////	//////////
§110.40 (a)(1)	Provide total dollar amount expended to develop, improve, and implement emergency plans, as well as exercises which test the plan and enhancements to the plan to include hazard analysis & response procedures to hazmat transportation		
§110.40 (a)(2)	Provide total dollar amount expended to assess flow patterns of hazardous materials within a state and between states		
§110.40 (a)(3)	Provide total dollar amount expended to assess the need for regional hazardous materials emergency response teams		
§110.40 (a)(4)	Provide total dollar amount expended to assess local response capabilities		
§110.40 (a)(5)	Provide total dollar amount expended to conduct emergency response drills and exercises		
§110.40 (a)(6)	Provide total dollar expended for the use of technical staff to support the planning effort		
§110.40 (a)(7)	Provide total dollar amount expended for additional activities the Associate Administrator deems appropriate to implement the scope of work for the proposed project and approved in the grant		
	Provide the total dollar amount expended by grantees to administer the HMEP planning grant to include improvement to emergency response planning; update or complete assessments; conduct exercises; and other authorized planning activities by the grantee to include other authorized expenditures allowed under the law		
	SubTotal Planning Expenditures		

ATTACHMENT B

§110.40 (b)	<i>Training</i>	//////////	//////////
§110.40 (b)(1)	Provide total dollar amount expended to assess the number of public sector employees who need proposed training in accordance with the local emergency response plan		
§110.40 (b)(2)	Provide total dollar amount expended on delivery of preparedness and response training to include tuition, travel expenses, room & board		
§110.40 (b)(3)	Provide total dollar amount expended for emergency response drills and exercises, course of study, tests and evaluations of emergency response plans		
§110.40 (b)(4)	Provide total dollar amount expended for expenses associated with giving training and monitoring training to include, but not limited to examinations, critiques and instructor evaluations		
§110.40 (b)(5)	Provide total dollar amount expended for staff to manage the training effort designed to result in increased benefits, proficiency, and rapid deployment of local and regional responders		
§110.40 (b)(6)	Provide total dollar amount expended for additional activities the Associate Administrator deems appropriate to implement the scope of work for the proposed project and approved in the grant		
	SubTotal Training Expenditures		
	Total Planning and Training Expenditures		100%

Part 2
Report of HMEP Grant Accomplishments

The questions below are to be used by grantees to report the accomplishments and successes the HMEP grant program has achieved through the year. These questions address both the planning and training categories of the grant program. Please answer each question to the best of your ability.

Questions Pertaining to Planning

1. Provide the total number of LEPC's and break out the total number of active and inactive LEPC's. Provide the number of LEPCs that received funding and the amount received by each.
2. Provide the number of LEPCs that have identified or further evaluated risks in their communities. Provide a brief description of the methods used by the LEPCs to identify these risks, such as: community meetings; review of Tier 2 reports; commodity flow study; written or windshield surveys; hazard analysis; and vulnerability assessment as part of the emergency operations plan (EOP) process. Provide the number of commodity flow studies and hazard risk analyses accomplished.
3. Provide the methods used to update the emergency plan such as: LEPC meetings; types of infrastructure update information; point of contact lists; location of vulnerable populations; updates of maps; and response capabilities. Provide the number of LEPCs that have updated or written their emergency plan in the past year to be consistent with the changing conditions of the community and the identified risks.
4. Provide the number of LEPCs that exercised their emergency operations plan in the past year. Explain the type and total number of exercises conducted, for example: table top, real world simulation, or multiple jurisdictional drill; the agencies involved; and the number of people who participated. Provide information on whether the exercise involved a fixed facility, a mode of transportation, or a combination of both. If a mode of transportation was involved, indicate whether it was rail, water, road, or air; and whether a hazardous material(s) was used as part of the exercise scenario. If a hazardous material(s) was used, indicate the type(s) of material exercised. How many total exercises were accomplished?
5. Were lessons learned from the exercise incorporated into response planning and the community emergency plan?
6. Provide the number of LEPC members who attend meetings, conferences, or other opportunities for preparedness and response education.
7. Provide the number of LEPCs with the different types of preparedness projects and outreach initiatives they conducted to improve community awareness and safety.

8. For those LEPCs that retained HMEP, funding describe the type of projects that were funded and the cost associated with each along with a description of the process used to award the project (risk analysis, needs assessment, etc.).
9. Provide the total number of hazardous materials response teams located in each of the states/tribe/territory to include industry teams.

Questions Pertaining to Training

10. Did state grantees provide training directly? Did they go through an outside contracted organization to provide training, or a combination of both?
11. If state grantees provided training, how many people (fire, police, EMS, other*) received hazmat training in the past year in accordance with OSHA 1910.120; and to what level of training did they receive: Awareness, Operation, Specialist, Technician and refresher training of these levels. Was the training fully funded or funded in part** by HMEP grant funds?
12. Did people receive ICS or other types of response related training? Examples of other type of training events would be TRANSCAER, regional or national hazmat training conferences etc.
13. Were there classes offered other than those in accordance with NFPA or OSHA standards? If so, how was the offering of the course determined, the number of people trained, and the type of training conducted.
14. For those states that provided funding to LEPCs for training, provide the number of LEPCs to receive funding for training with the amount received for each. Provide the number of people (fire, police, EMS, other) in each level who received hazmat training in the past year in accordance with OSHA 1910.120. Break down the number of people trained in each hazmat level: Awareness, Operation, Specialist, Technician, and annual refresher training by level in accordance with OSHA 1910.120. Provide information on who provided the training, the number trained for each, and the type of training delivered. Was the training fully funded or funded in part** by HMEP grant funds?
15. For those states that provided funding to LEPCs, were classes offered other than those in accordance with NFPA or OSHA standards? If so, how was the offering of the course determined, the number of people trained, and the type of training conducted.
16. Was the training provided based on a change in the emergency plan or lessons learned through exercises? If so, explain.

Name of your State, Territory, or Native American Tribe: _____

Provide your E-mail and Fax number: _____

ATTACHMENT B

Please fill in the numbers on the lines provided and fax this form back to the HMEP grant Manager at 202-366-3753. If you have any questions or need assistance, please contact 202-366-0001.

Thank you,
Charles G. Rogoff
HMEP Grant Manager

* “Other” may include Public Works, EOC, emergency support functions, liaison officer, safety officer personnel, etc..

** If HMEP funds are used in any way, it counts as in part (e.g. books, prerequisite training, training equipment etc.).

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

ATTACHMENT C

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

<p>* SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</p> <p>Completed on submission to Grants.gov</p>	<p>* TITLE</p>
<p>* APPLICANT ORGANIZATION</p>	<p>* DATE SUBMITTED</p> <p>Completed on submission to Grants.gov</p>

Standard Form 424B (Rev. 7-97) Back

Combined Assurance

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Agency determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 --

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

Add Attachment

Delete Attachment

View Attachment

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the address provided in the application instructions. Notice shall include the identification number(s) of each affected grant;

