



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

**FY15 Hazardous Materials Emergency Preparedness (HMEP) Grant Program
Funding Opportunity Announcement**

This document is intended to guide States, Territories and Tribal organizations in applying for training and planning grants under the Hazardous Materials Emergency Preparedness (HMEP) program.

For further information, contact the HMEP Grants Program group at HMEP.Grants@dot.gov or call (202) 366-1109.

Agency Name: U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA)

Funding Opportunity Name: Hazardous Materials Emergency Preparedness (HMEP) Grant Program

Announcement Type: Initial Solicitation

Funding Opportunity Number (States & Territories): HM-HMP-15-002

Funding Opportunity Number (Native American Tribes): HM-HMP-15-003

Catalog of Federal Domestic Assistance Number: 20.703

Key Dates: The deadline for submission is 11:59 PM, April 3, 2015.

****Applicants must ensure SAM.gov and Grants.gov registrations and passwords are current immediately. Deadline extensions will not be granted for lack of registration. Registration in all systems, including SAM.gov and Grants.gov, may take up to one month to complete.**

Table of Contents

A. Program Description 3

B. Federal Award Information..... 5

C. Eligibility Information 6

D. Application and Submission Information 7

E. Application Review Information 9

F. Federal Award Administration Information 14

G. Federal Awarding Agency Contacts 15

H. Other Information 15

 Appendix I: Budget Narrative Guidance 15

 Appendix II: Required Items List 18

 Appendix III: Registration Reminder 18

A. PROGRAM DESCRIPTION

1. Program Overview

The Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005 authorizes DOT to provide assistance to public sector employees through training and planning grants to States, Territories, and federally recognized 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 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. The HMEP program is authorized under 49 United States Code (U.S.C.) § 5116 and is governed by program regulations at 49 Code of Federal Regulations (CFR) 110 and Federal grants administration regulations, now organized at 2 CFR Part 200.

Training and planning are the two components of the HMEP grant program. Applicants are encouraged to request funds to conduct one or both components in a single application package. PHMSA streamlines the grant process by awarding funds for both sections in one grant award 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 within grantee records.

Planning Grants - Develop, improve, and carry out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.), including ascertaining flow patterns of hazardous material on lands under the jurisdiction of a State or Native American tribe, and between lands under the jurisdiction of a State or tribe and lands of another State or tribe.

Training Grants - Train public sector employees to respond to accidents and incidents involving hazardous material incidents. To the extent that a grant is used to train emergency responders, the applicant must ensure that the emergency responders who receive training under the grant will have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations

2. Funding Priorities

For the 2015-2016 grant cycle, and subsequent cycles moving forward, applicants are encouraged to allocate funding towards developing or revising emergency plans and training activities to account for bulk transportation of energy products by rail and over the road. Applicants are also encouraged to conduct commodity flow studies to determine the frequency and quantity of hazmat shipments being transported through local communities, and training emergency responders to respond appropriately to incidents involving bulk shipments of energy products as well as other hazmat.

When drafting applications, PHMSA encourages applicants to consider the following topics:

- Current risk involving transport of energy products such as crude oil, ethanol, and liquefied natural gas (LNG);

- Current state of operational readiness/capability;
- Familiarity with bulk shippers emergency response plans/procedures;
- Available training resources (sources, accessibility, gaps in training); and
- Needs of emergency responders/public safety agencies

PHMSA is committed to working with each HMEP grantee to ensure they have the necessary tools and information to maximize the use of the HMEP grant award. PHMSA understands the importance of emergency preparedness and the safety impact it has on local communities. PHMSA appreciates your hard work and steadfast commitment to the HMEP Grant Program as it embarks upon another successful HMEP program year.

For more information on the Safe Transportation of Energy Products (STEP), please visit the PHMSA website at <http://www.phmsa.dot.gov/hazmat/osd/calltoaction>.

3. Indicators of Successful Projects

Identified best practices highlighted from the completed FY12/13 funding cycle include:

California - Using planning funds, California conducted four (4) projects to determine the flow patterns of hazardous materials. HMEP funds were used to develop a method of displaying basic information about completed Commodity Flow Studies (CFS). This publicly available Office of Emergency Services (OES) Web page is available at: <http://www.caloes.ca.gov/HazardousMaterials/Pages/California-Hazardous-Materials-Commodity-Flow-Map.aspx>.

Iowa - LEPCs apply for funding through a formal web-based grant management system. Applications are reviewed and project approval is determined by grant staff and members of the Iowa Emergency Response Commission (IREC). It is the responsibility of the LEPC to determine the needs in their area and decide what types of training and planning projects are desirable. In fiscal year 2013, LEPCs completed projects such as commodity flow rail studies, hazard analyses, asset and function needs registry, and exercises.

Missouri - To assess the training need for public sector employees, Missouri performed an assessment on the local level and created a list of classes that meet NFPA and OSHA requirements, which is made available to each LEPC who applies for training. Each LEPC is asked to submit a list of classes requested, the priority to which the classes should be delivered, and the number of classes they would like of that type of class. During fiscal year 2013, all training requested was met based off available schedules and meeting the number of students necessary to deliver a class.

Utah - To assist each LEPC in their planning efforts, Utah used Community Support Liaisons. Each liaison reviewed the Emergency Operations Plan (EOP) on behalf of the SERC and helped with annual updates. Utah's State Fire Marshall Office plans for two HazMat Flow studies in the State each year and reports on the findings. The report is shared with LEPCs and the SERC, which assists in maintaining and disseminating information on flow patterns of hazardous materials in Utah.

B. FEDERAL AWARD INFORMATION

1. Funding Availability and Number of Expected Awards

Subject to availability, PHMSA plans to award approximately \$19,400,000 in total funding to States and Territories, and \$600,000 to federally recognized Native American Tribes. The expected amounts of individual Federal awards for States and Territories will typically range from \$50,000 to \$1,800,000; as well as \$10,000 to \$350,000 for Native American Tribes. Historically, PHMSA awards between 60 and 65 grants.

Shortly after publishing this funding opportunity announcement, PHMSA will send potential State and Territory applicants a letter, advising them of the target amount of Federal funds available to them for application. This funding target is dependent on the applicant's compliance with HMEP Grant Program statutory requirements and satisfactory submission of the information required by this funding announcement.

State and Territory planning grant applicants 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); (2) Population; and (3) Hazardous materials truck miles within the State or Territory.

State and Territory training grant applicants 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.

Native American Tribe applicants should request costs that are reasonable and necessary for the successful completion of their proposed HMEP planning and/or training project(s).

2. Project and Budget Periods

Funds are available per the FY2015 Omnibus Consolidated and Further Continuing Appropriations Act, P.L.113-235. Funding will be provided on the basis of approximately one-year budget periods. The anticipated start date for the FY2015 HMEP grant program is September 30, 2015.

3. Applications for Renewal or Supplementation

Applications for renewal or supplementation of existing projects are eligible for submission for FY15 grant application funds. Applications for renewal or supplementation must describe how the FY15 application activities and funding will fit into the overall project plan.

4. Funding Instrument

PHMSA will only consider grant agreements as the funding instrument for the FY15 HMEP Grant Program.

C. ELIGIBILITY INFORMATION

1. Eligible Applicants

The FY2015 HMEP Grant Program is open to States, Territories and federally recognized Native American Tribes. States and Territories are defined at 49 U.S. Code § 5116 as a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, and any other territory or possession of the United States designated by the Secretary. Additional statutory requirements for eligibility are listed below. During the application review process, PHMSA reserves the right to request missing eligibility documents to ensure applicants are eligible to receive an award. Applications missing required eligibility documents by application deadline may run the risk of losing consideration for funding.

The following describes eligibility requirements for the FY15 HMEP Grant Program. *Please note: These requirements are further elaborated in Section E, which should be consulted for specific, sequential required elements.*

- (a) Training and planning grant applications from a State, Territory or Tribal organization must be accompanied by a letter from the Governor or Tribal Authority designating an entity to receive Federal funds. DOT encourages the designated entity to obtain substantive knowledge of the status of training and planning under EPCRA, and familiarity with State, Tribal or local emergency preparedness and response capabilities and training needs.
- (b) Applicants are required to submit a statement that all members of the State Emergency Response Commission (SERC) or Tribal Emergency Response Commission (TERC) have been given an opportunity to review the grant application.
- (c) To be approved for a planning grant, a State or Territory must agree that it is complying with Sections 301 and 303 of EPCRA.
- (d) With respect to Section 301, the applicant must confirm that a SERC/TERC has been established, emergency planning districts have been designated, and Local Emergency Planning Committees (LEPC) have been appointed by the SERC/TERC.
- (e) The applicant 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.
- (f) The State or Territory must agree to make available to LEPCs at least 75% of the Federal planning grant funds provided.

Note: The requirements for submitting this information are included in Section E, Application Review Information - Part 1: Criteria.

2. Cost Sharing or Matching

In accordance with 49 U.S. Code § 5116 (d), for both training and planning grants, States and The Commonwealth of Puerto Rico 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 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. All matching funds must meet the Federal requirements as described in 2 CFR § 200.306 *Cost sharing or matching*.

Funds or costs used for matching purposes under any other Federal grant or cooperative agreement may not be used for HMEP matching purposes. The 5-year averaged non-Federal aggregate amount cannot be used for matching (in other words, the State's matching share must be new money, either new State funds or new in-kind contributions).

Applicants must clearly indicate in the budget narrative how the matching requirements will be met for the project. The budget narrative guidance document in Section H contains additional information on how to include match in the grant application.

3. Other Requirements

Suspension and Debarment

Per 2 CFR § 200.212, non-Federal entities and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

Subrecipient monitoring and requirements for pass-through entities

Applicants must comply with the provisions for subawards stipulated at 2 CFR § 200.331. This includes requirements that all pass-through entities must:

- Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the information required by 2 CFR § 200.331 at the time of the subaward.
- Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

D. APPLICATION AND SUBMISSION INFORMATION

1. Address to Request Application Package

PHMSA requires applicants for this funding opportunity announcement to apply electronically through Grants.gov. Applicants must download the application package associated with this funding opportunity following the directions provided at [Grants.gov](https://www.grants.gov).

The application package contains the required electronic forms and the ability to upload attachments for the budget, budget justification, project narrative, assurances, and certifications. The applicant must submit the information outlined in the Application Guide in addition to the program-specific information below.

2. Content and Form of Application Submission

Applications should be well written and free of mathematical errors in the line-item budget and budget narrative. Program narratives should have the sections clearly identified and follow the structure requested in this funding opportunity announcement.

3. Dun and Bradstreet Universal Numbering System (DUNS) Number and System for Award Management (SAM)

Each applicant (unless the applicant is has an exception approved by the Federal awarding agency under 2 CFR § 25.110) is required to:

- (a) Be registered in SAM before submitting its application;
- (b) Provide a valid DUNS number in its application; and
- (c) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

PHMSA may not make a Federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements and, if an applicant has not fully complied with the requirements by the time the PHMSA is ready to make a Federal award, PHMSA may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

4. Submission Dates and Times

The due date for submission is April 3, 2015. PHMSA is not obligated to make an award to applications that are delinquent and/or incomplete. Applications should be submitted electronically through the grants.gov system. Delinquent and incomplete applications will be determined for extension and submission of missing documents based upon the need. Applicants missing required elements may be contacted by PHMSA staff for missing information, and will be required to adhere to a 48-hour deadline for response in order to be considered for funding.

5. Funding Restrictions

The following costs are not eligible for reimbursement under the HMEP Program:

- (a) Expenses not related to the transportation of hazardous materials.
- (b) Expenses claimed and or reimbursed by another program.

- (c) Expenses counted as match funds toward another Federal program.
- (d) Expenses that supplant existing operational funds/programs.
- (e) Entertainment, alcohol, morale costs.
- (f) Any costs disallowed or stated as ineligible in 2 CFR Part 200.
- (i) Excessive costs for general office supplies, equipment, computer software, printing and copying.

E. APPLICATION REVIEW INFORMATION

1. Criteria

Applications for HMEP funding should be submitted in electronic format in grants.gov according to the following outline. There are two overall sections: (1) standard forms that the applicant will upload and complete from grants.gov under the FY15 HMEP funding announcement; and (2) attachments the applicant will need to create and upload.

Standard Forms

These forms are found in grants.gov under the FY15 HMEP funding announcement and must be completed by the applicant.

- SF-424 - Application for federal assistance
- SF-424A - Line-item budget
- SF-424B - Standard Assurances
- ED-80-0013 - Certifications Regarding Lobbying; Debarment, Suspension, Drug-Free Workplace etc.
- Standard Title VI/Non-Discrimination Assurances - Civil Rights Assurances
- Programmatic Certification - Planning and Training Certifications (States and Territories only)

Programmatic Certification - Planning. Complete the form that is available in grants.gov, signed by the authorized official, that certifies the applicant:

1. Complies with Sections 301 and 303 of EPCRA.
2. Aggregate expenditure of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last 5 fiscal years.
3. Agrees to provide at least 75% of funds granted to the State or Territory to LEPCs established pursuant to Section 301(c) of EPCRA by the State Emergency Response Commission

Programmatic Certification - Training. Complete the form made available in the grants.gov announcement, signed by the authorized official, that certifies the applicant:

1. Complies with Sections 301 and 303 of EPCRA.
2. Agrees that aggregate expenditure of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last 5 fiscal years.
3. Agrees to provide at least 75% of funds for training of public sector employees

Applicant Attachments to be submitted

These forms must be created by the applicant and uploaded to grants.gov under the FY15 HMEP funding announcement. Guidance for submitting the project narrative and budget narrative is listed in the following section.

- Project Narrative Attachment
- Budget Narrative Attachment
- Indirect Cost Agreement (*if applicable*)
- Additional Optional Attachments (if applicable)

Project Narrative - Required Sections for All Applications

For both training and planning FY15 HMEP grant applications, the following sections are required. To facilitate the application review and award process, the sections should be submitted in sequential order as stated below. Applicants should clearly identify the sections in the project narrative.

- (a) **Cover Letter** from the Governor or Tribal Authority designating an entity to receive Federal funds.
- (b) **Agency Identification.** Indicate the agency name and address, and Agency Director's name.
- (c) **Organization Information.** Briefly provide information about your organization. Please include: (1) Your agency's mission. Explain how the subject of the proposal fits within or extends that mission. (2) Provide a brief overview of the structure of your organization, programs, leadership, and special expertise. (3) Describe the population you serve, and any special or unusual needs you face.
- (d) **Transportation Fees.** Explain whether the State/Territory or Tribe 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.
- (e) **Contact Information.** Identify the designated project manager(s) including the name, position, address, email address, and telephone number of the individual(s) who will be responsible for coordinating the funded activities. Provide the contact information for both training and planning projects.
- (f) **Report of progress from previous grant period.** Report progress made toward achieving the project objectives stated in the preceding budget period for the planning and/or training grant(s).

- (g) **SERC/TERC review of grant application.** Provide a brief statement indicating that all members or the SERC/TERC were provided the opportunity to review the grant application.
- (h) **Statement of aggregate expenditures** – (Tribal applicants only) Provide a statement that aggregate expenditure of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last 5 fiscal years. *Note – State and Territory applicants use the programmatic certification form to confirm this aggregate requirement.*

Project Narrative - Planning Grant Sections

Include the following required elements, in sequential order:

- (1) Planning Needs Assessment.** Describe the current capacity and any areas of deficiency as it concerns hazardous materials emergency preparedness planning. Address any needs for building capacity. Include: (1) An assessment of the current abilities and authorities of the applicant's program for preparedness planning; (2) 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; and (3) The current degree of participation in, or intention to assess, the need for a regional hazardous emergency response team.
- (2) Planning Activities.** Describe the proposed activities to be undertaken during the period of performance. Explain how the proposed grant activities will increase program effectiveness and address gaps identified in the needs assessment.
- (3) Outputs and Objectives.** Include measurable outputs and objectives related to hazardous materials planning to be accomplished during the grant's period of performance. In addition, applications should include long-term program objectives.
- (4) Planning Activity Timeline.** Provide a schedule for implementing the proposed hazardous materials planning grant activities in the upcoming project period. Include benchmarks and milestones that will assist with primary grantee and Federal monitoring of the grant program's success.
- (5) Monitoring and Evaluation.** Provide a description of the monitoring and evaluation activities that will be conducted to ensure that the grant activities are successfully carried out according the planning activity timeline. Include an explanation of quality control measures, including but not limited to random examinations, inspections, and audits of planning activities, to maximize the cost effectiveness and impact of the program.

Project Narrative - Training Grant Sections

Include the following required elements, listed in sequential order:

(1) Training Needs Assessment. Describe the current capacity and any areas of deficiency as it concerns hazardous materials emergency preparedness training. Include: (1) Provide the number of persons needing training and the number of persons currently trained in the different disciplines of response functions (e.g., number of firefighters, EMTs, EMSs that need training); (2) Include a description for the diversity of needs in the jurisdiction; (3) Provide an explanation of the ways in which the training grant activities 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.

(2) Training activities. Describe the training activities and course information. Provide information on the individual courses for which funding is being requested in the grant application.

(3) Outputs and Objectives. Include quantifiable and measurable outputs to be accomplished during the grant's period of performance. In addition, applications should include long-term program objectives.

(4) Training activity timeline. Provide a timeline schedule for implementing the proposed training grant activities during the project period. Include benchmarks and milestones that will assist with primary grantee and Federal awarding agency monitoring of the project's success.

(5) Monitoring and evaluation of training project. Provide 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.

Budget Narrative – All applications

A budget narrative is a narrative explanation of each budget component which supports the costs of the proposed work. The budget narrative should focus on how each budget item is required to achieve the proposed project goals and objectives. It should also justify how budget costs were calculated. The budget narrative should be clear, specific, detailed, mathematically correct, and correspond to the SF-424A line-item categories. Costs must be demonstrated to be allowable, allocable, necessary and reasonable. Applicants are required to submit a budget narrative in order to be considered for funding.

Provide a budget narrative justification by Object Class that corresponds to the amount listed on the SF-424A and why the amount is needed to implement the project as proposed in the project narrative. The budget narrative must correspond to the costs requested in the SF-424A line item budget. **Planning and Training requested costs must be accounted for and explained separately in the budget narrative.**

The budget narrative is one of the first places PHMSA reviews to confirm that costs are allowable, allocable, necessary and reasonable. A well-developed budget narrative is an effective monitoring tool for both the awarding agency, and grant recipient. However, a budget narrative that does not represent a project's needs makes it difficult to recommend for full funding and assess financial performance over the life of the project. See Appendix I for additional budget narrative guidance.

2. Review and Selection Process

PHMSA utilizes a formula to inform applicants what funding amount is available for them to apply for. However, PHMSA will review applications based upon merit, including the clarity of the project narrative and reasonableness of cost as described in the budget narrative. PHMSA reserves the right to make adjustments that are beneficial to the goals of the HMEP grant program. A review panel of Federal agency representatives with expertise in the Hazardous Materials Emergency Preparedness grant program will evaluate the grant applications. Each grant application will be evaluated in accordance with the criteria listed below. Special emphasis will be placed on reviewing whether or not the application has a coherent project narrative that follows the outline of this funding announcement, and whether or not the costs described in the budget narrative appear to be necessary, reasonable, allowable and allocable.

The agency may ask an applicant to modify its objectives, work plan, or budget and provide supplemental information prior to award. As a result of the review process, grant awards may include special terms and conditions. The PHMSA Administrator will have the final approval to evaluate and select applicants and award financial assistance. The Administrator's decision is final. Applications will be evaluated as exceptional, acceptable, or unacceptable.

Exceptional	The application demonstrates that the requirements of the funding announcement are very well understood and the approach will likely result in a very high quality performance. The application clearly addresses and exceeds requirements with no significant weaknesses. The application contains outstanding features that meet or exceed on multiple dimensions the expectations of the Government. The risk of poor performance is low.
Acceptable	The application demonstrates that the requirements of the funding announcement are understood and the approach will likely result in satisfactory performance. The application addresses and meets requirements with some minor but correctable weaknesses and/or deficiencies noted. The application demonstrates at least minimum requisite experience, qualifications, and performance capabilities. The risk of poor performance is no more than moderate.
Unacceptable	The application does not meet the requirements of the funding announcement. The approach, if approved in current form, will likely result in unsatisfactory performance. The application fails to address requirements, or, although it addresses and may partially satisfy some requirements; major weaknesses and/or deficiencies are noted. The risk of poor performance is high.

3. Anticipated Announcement and Federal Award Dates

PHMSA plans to make awards in September 2015 with a proposed start date of September 30, 2015.

F. FEDERAL AWARD ADMINISTRATION INFORMATION

1. Federal Award Notices

Applicants receive electronic notification of the receipt of a Federal Award. Upon notification, an applicant's authorized official must sign the award within the timeframe prescribed by PHMSA.

2. Administrative and National Policy Requirements.

The administration of HMEP grant awards between PHMSA and the Recipient will be based on the following Federal statutory and regulatory requirements:

- The authorizing language of 49 U.S.C. 5101 et seq.
- Program regulations found at 49 CFR 110, Hazardous Materials Public Sector Training and Planning Grants.
- Uniform administrative requirements, cost principles, and audit requirements for Federal awards at 2 CFR 200.
- The applicant must comply with 49 CFR 20, "New Restrictions on Lobbying." 49 CFR 20 is incorporated by reference in this award.
- The applicant must comply with Title VI of the Civil Right Act of 1964, which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, be subject to discrimination under any program or activity receiving Federal financial assistance.
- The applicant 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."
- The applicant must comply with 49 CFR 32, "Government wide Requirements for Drug- Free Workplace (Financial Assistance)," which implements the requirements of Public Law 100-690, Title Subtitle D, "Drug-Free Workplace Act of 1988."

3. Reporting

Quarterly Report - Each recipient is required to submit a quarterly Federal Financial Report (SF 425) to report the status of funds in the approved budget (Federal plus matching) as of the end of the reporting quarter. This report is cumulative. Quarterly reports are due no later than 30 days after the end of each reporting quarter, i.e., January 30, April 30, July 30, and October 30.

Final Report - Each recipient is required to submit a final Federal Financial Report (SF 425) within 90 days after the end of the project period that provides the financial results of the award including the expenditure of both HMEP funds and required matching.

G. FEDERAL AWARDING AGENCY CONTACT(S)

For further information, contact the HMEP Grants Program group at HMEP.Grants@dot.gov or call (202) 366-1109.

H. OTHER INFORMATION

Appendix I: Budget Narrative Guidance

1. **Personnel** costs are the employee salaries working directly on the grant project. Include a list of the employees, position title, the percentage of time dedicated to the project, hourly wage or annual salary, and total cost to the grant. Please note:
 - This category is limited to ONLY persons employed by your organization. Those not employed by your agency shall be classified as subgrants or contractors. These individuals should be listed under the Contractual line-item budget object class.
 - Only include compensation paid for employees engaged in grant activities.
 - Costs should be consistent with that paid for similar types of work within the organization.

2. **Fringe Benefit** costs are the allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe costs are benefits paid to employees, including the cost of employer's share of FICA, health insurance, workers' compensation, and vacation. Include how the fringe benefit amount is calculated (i.e., actual fringe benefits estimate, approved rate, etc.). Identify the specific benefits charged to a project and the benefit percentage. Additional considerations:
 - The personnel listed in the application should have corresponding fringe; and vice-versa. PHMSA cannot pay fringe benefits for a position that is not listed in the Personnel section. If a position will be charged to grant activities, the level of participation (full-time or part-time)

must correspond to the fringe charged.

- Explain what is included in the fringe benefit package and at provide the percentage.
 - Fringe benefits are only for the percentage of time devoted to the grant project.
 - The applicant **SHOULD NOT** combine the fringe benefit costs with direct salaries and wages in the personnel category.
3. **Travel:** Travel costs are those costs requested for field work or for travel to professional meetings. Provide the purpose, method of travel, number of persons traveling, number of days, and estimated cost for each trip. Provide the estimates for flights, hotel stays, rental cars, and other travel costs for each trip.
- If details of each trip are not known at the time of application submission, provide the basis for determining the amount requested.
 - Explain the reason for travel expenses for project personnel (e.g., staff to training, field interviews, etc.) and, if known, identify the location/destination of travel.
4. **Equipment:** Equipment costs only includes those items which are tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Include a description, quantity and unit price for all equipment. If the expense is under the usual threshold of \$5,000 per item, it belongs under “Supplies.” However, if your equipment threshold is below \$5,000, provide an explanation and state policy citation.
- Each item of equipment must be identified with the corresponding cost. General-purpose equipment must be justified as to how it will be used on the project.
 - Analyze the cost benefits of purchasing versus leasing equipment, particularly high-cost items and those subject to rapid technical advances. List rented or leased equipment costs in the “Contractual” or “Other” category, depending upon the procurement method.
5. **Supplies** are tangible personal property other than equipment. Include the types of property in general terms. It is not necessary to document office supplies in great detail (for example: reams of paper, boxes of paperclips, etc.). A good way to document office supplies is to indicate the approximate expenditure of the unit as a whole. However, applicants *should* include a quantity and unit cost for larger cost supply items such as computers and printers.
6. **Contractual** costs are those services carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. There are generally two ways to capture costs in this category: subgrants and contracts.

What is a subgrant? A subgrant is an award provided by a pass-through entity (Prime Grantee Recipient) to a subrecipient. That subrecipient carries out part of a program for which the Prime Grantee Recipient received Federal support. A subgrant may be provided through any form of

legal agreement, including an agreement that the Recipient calls a contract. A subgrantee has its performance measured in relation to whether objectives of a Federal program were met; has responsibility for programmatic decision making; is responsible for adherence to applicable Federal program requirements specified in the Federal award; and (in accordance with its agreement), uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

What is a contract? A contract is a legal instrument by which a Prime Grantee Recipient purchases property or services needed to carry out the project or program under an award. A contract/contractor provides the goods and services within normal business operations; provides similar goods or services to many different purchasers; normally operates in a competitive environment; provides goods or services that are ancillary (necessary support to the primary activities) to the operation of the Federal program; and is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

For all Contractual line-item costs, include the rationale for the amount of the costs and include the specific contract goods and/or services provided and the related expenses for those goods and services. Entering the statement “contractual services” shall not be considered meeting the requirement for completing this section.

6. **Other** costs do not fit any of the aforementioned categories, such as rent for buildings used to conduct project activities, utilities, leased equipment, employee training tuition, etc. **“Other” direct costs should be itemized.**
7. **Indirect Costs (if applicable):** Indirect costs are incurred for common or joint objectives that benefit more than one project. The applicant must include a current and fully executed agreement in the application if claiming indirect costs. Make sure the rate is applied to the appropriate base in the approved agreement. If the rate will not be approved by the application due date, attach the letter of renewal or letter of request that you sent to your cognizant agency to your application.
8. **Match:** The total matching requirement should be listed in Section A and Section C of the 424A line-item budget. Please only include the Federal-share of costs in Section B. The budget narrative is where the matching requirements should be captured. Within the applicable object class category in the budget narrative, (Personnel, Supplies, etc), detail the matching requirements.

Please ensure that the match is clearly identified in the budget narrative. Provide an explanation as to the amount to be matched and how it was determined. Matching funds should be described in the same manner as if they were the federal share of costs.

Appendix II – Required Items

Standard Forms to be submitted

These forms are found in grants.gov under the FY15 HMEP funding announcement and must be completed.

- SF-424 - Application for federal assistance
- SF-424A - Line-item budget
- SF-424B - Standard Assurances

- ED-80-0013 - Certifications Regarding Lobbying; Debarment, Suspension, Drug-Free Workplace etc.
- Standard Title VI/Non-Discrimination Assurances - Civil Rights Assurances
- Programmatic Certification - Planning and Training Certifications (States and Territories)

Applicant Attachments to be submitted

These forms must be created by the applicant and uploaded to grants.gov under the FY15 HMEP funding announcement.

- Project Narrative Attachment (required)
- Budget Narrative Attachment (required)

- Indirect Cost Agreement (if applicable)
- Additional Optional Attachments (if applicable)

Appendix III – Registration Note

Regarding Sam.gov and grants.gov:

Applicants must ensure SAM.gov and Grants.gov registrations and passwords are current immediately! Deadline extensions are not granted for lack of registration. Registration in all systems, including SAM.gov and Grants.gov, may take up to one month to complete.

PHMSA HMEP Grant Application Instructions

For technical assistance with using Grants.gov, please contact
Support@grants.gov, 1 800-518-4726 or
HMEP Grant Office @ 202-366-1109 or HMEP.Grants@dot.gov

A. Check Adobe Version & Download if necessary

-
- Click here to determine if you have the proper version of Adobe Reader to fill out the application package:
<http://www.grants.gov/web/grants/support/technical-support/software/adobe-reader-compatibility.html>
 - If you DO have the compatible version, you will see an application package displayed.
 - If you DO NOT have a compatible version, an error message will be displayed with instructions on obtaining the compatible version.
-

B. Download the application package from grants.gov

For HMEP States and Territories Applicants:

- For HMEP Applicants, the Funding Opportunity Number is **HM-HMP-15-002**.
 - From the **APPLICATION PACKAGE** Menu, click “**Download**” link to access and download the Application Instructions and Application Package.
 - Enter “[*Your Organization Name*] HMEP Grant” as the “Application Filing Name” in the yellow box.
 - Then **Click the SAVE button** at the top of the page.
 - From the drop down box, select the desired location for this file to be saved and then click in the “**file name**” box. Make sure you remember where this file is located.
 - Enter “[*Your Organization Name*] HMEP Grant Application”.
 - Click SAVE.**
-

For Tribal Governments Applicants:

- For Tribal Governments, the Funding Opportunity Number is **HM-HMP-15-003**.
 - From the **APPLICATION PACKAGE** Menu, click
-

-
- “**Download**” link to access and download the Application Instructions and Application Package.
-
8. Enter “[*Your Organization Name*] HMEP Grant” as the “Application Filing Name” in the yellow box.

 9. Then **Click the SAVE button** at the top of the page.

 10. From the drop down box, select the desired location for this file to be saved and then click in the “**file name**” box. Make sure you remember where this file is located.

 11. Enter “[*Your Organization Name*] HMEP Grant Application”.

 12. Click **SAVE**.
-

C. Fill out the required form SF-424A (Budget Sheet)

-
1. At any time during this process if you need to discontinue entering information, click the Close Form button on the top of the form, then **Click the SAVE button** on the top of the Grant Application Package page to save your work.

 2. From the “**Mandatory**” Forms listing under “**Select Forms to Complete**” section of the Grant Application Package, **Click on “Budget Information for Non-Construction Programs (SF424A)”** then click on the “=>” button in the middle.
 - Highlight the form again, and click the “Open Form” button right below that listing.**

 3. Block 1a: **Enter “ Planning Grant”**

 4. Block 1b: **Enter “ 20.703”**

 5. Block 2a: **Enter “ Training Grant”**

 6. Block 2b: **Enter “ 20.703”**

 7. Tab to Section B, block 6.

For all categories, enter the appropriate costs in column (1) Planning and/or column (2) Training.

-
8. 6a: **Enter estimated personnel costs** associated with the HMEP Planning and/or Training program.

 9. 6b: **Enter estimated fringe benefit costs** for those personnel included in block 6a.

 10. 6c: **Enter estimated travel costs** associated with the HMEP program.

 11. 6d: **Enter estimated equipment costs**

 12. 6e **Enter estimated supplies costs**

 13. 6f: **Enter costs for estimated contractual**

 14. 6g: **Enter 0.**

 15. 6h: **Enter the amount of other direct costs.**
-

16. 6i: is an automated total of what has been entered in 6a through 6h.

17. 6j: **Enter estimated indirect charges.**

18. 6k: is an automated total of what has been entered in 6a-6j.

19. **Grantees who contribute matching funds:**

Take the total given in block 6k under the Planning column, and multiply it by .80. Enter this number in block 1e.

Take the total given in block 6k under the Planning column, and multiply it by .20. Enter this number in block 1f.

Ensure the total in block 1g matches the total in block 6k under Planning.

Go to step 21.

20. **Grantees who do NOT contribute matching funds:**

Take the total given in block 6k under the Planning column, and enter this number in block 1e.

Ensure the total in block 1g matches the total in block 6k under Planning.

Go to step 22.

21. **Grantees who contribute matching funds:**

Take the total given in block 6k under the Training column, and multiply it by .80. Enter this number in block 2e.

Take the total given in block 6k under the Training column, and multiply it by .20. Enter this number in block 2f.

Ensure the total in block 2g matches the total in block 6k under Training.

Go to step 23.

22. **Grantees who do NOT contribute matching funds:**

Take the total given in block 6k under the Training column, and enter this number in block 2e.

Ensure the total in block 2g matches the total in block 6k under Training.

23.

Record the total in block 5e here _____.

Record the total in block 5f here _____.

-
- Record the total in block 5g here**_____.
-
24. Click **Next** at the top of the page, go to Section E.
25. 16: **Planning**, under the **Future Funding Period** columns, enter the Fiscal Year (FY) out years of budget estimates to complete the project period.
26. 17: **Training**, under the **Future Funding Period** columns, enter the Fiscal Year (FY) out years of budget estimates to complete the project period.
27. **Click CLOSE FORM** to close the form.
28. If you need to edit the file again, highlight the form, and click OPEN FORM button below this box or scroll down in the application package to that form.
29. You will print this form later in the process.
30. **Click the SAVE** button at the top of the page to save the application package. Keep the same file location and file name. When asked if you want to overwrite the existing file, click Yes.
-

D. Fill out the required form SF-424

-
1. At any time during this process if you need to discontinue entering information, click the Close Form button on the top of the form, then click the SAVE button on the top of the Grant Application Package page to save your work.
2. From the “**Mandatory**” Forms listing under “**Select Forms to Complete**” section of the Grant Application Package, **Click on “Application for Federal Assistance (SF424)”**, then click on “**=>**” **button in the middle.**
- Highlight the form again, and click the “Open Form” button right below that listing.**
3. Block 1: **Check the box for Application.**
4. Block 2: **Check the box for New** if this is a new application, or choose **Continuation** for a continuing application.
5. Block 3: will be filled in by Grants.gov upon submission.
6. Block 4: leave blank.
7. Block 5a: leave blank.
8. Block 5b: leave blank.
9. Block 6: leave blank.
10. Block 7: leave blank.
11. Block 8a: **Enter your Agency or Organization.**
12. Block 8b: **Enter your TIN (Tax Identification Number)** (you may need to contact your financial group for this information).
13. Block 8c: **Enter your DUNS** (you may need to contact your financial group for this information).
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14. Block 8d: **Enter your Agency or Organization mailing address.**
 15. Block 8e: leave blank unless you desire to enter this information.
 16. Block 8f: **please enter the information about the person responsible for the Grant Application.**
 17. **Click the Next button** on the top of the page to move to the next page, or scroll down to the next page.
 18. Block 9: Using the drop-down list **select the appropriate item** (ie. State Government, Indian/Native American Tribal Government).
 19. Blocks 10, 11, 12: these fields will be filled in already.
 20. Block 13: leave blank.
 21. Block 14: leave blank.
 22. Block 15: **Enter “Agency/Organization HMEP Program”**. We’ll attach the narratives and statements in a later step.
 23. **Click the Next button** on the top of the page.
 24. Block 16a: **Enter your Congressional District where your Agency/Organization** is located. If you do not know this information, click here to locate your state, <http://nationalatlas.gov/printable/congress.html> .
 25. Block 16b: **Enter all Congressional District’s where your Program is applicable**. If all districts in your state are affected, enter “*State initials-all*”, for example WI-all.
 26. Block 17a: **Enter [09/30/2015] as the project start date.**
 27. Block 17b: **Enter [09/30/2016] as the project end date.**
 28. Block 18a: **Enter the number from block 5e of the budget form (SF-424a from step C-23 above).**
 29. Block 18b: **Enter the amount funded by your agency, or Enter 0.**
 30. Block 18c: **Enter the amount funded by your state (i.e. Matching funds amount from SF-424 block 5f from Step C-23 above), or Enter 0.**
 31. Block 18d: **Enter the amount funded by local entity, or Enter 0.**
 32. Block 18e: **Enter the amount funded from another entity, or Enter 0.**
 33. Block 18f: **Enter 0.**
 34. Block 18g: **Total will be calculated**, should equal total amount on SF-424a, block 5g from **Step C-23** above).
 35. Block 19: Visit http://www.whitehouse.gov/omb/grants_spoc to see if your State participates in the EO 12372 process.
 - Block 19a: If your state does participate, and you must provide this application to your EO 12372 office for review, enter the date your organization reviewed this application.
 - Block 19b: Select this radio button if your state does participate in EO 12372, but this application was not selected for review.
-

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- Block 19c: Select this radio button if your grant program is not covered by EO 12372.
-
- 36. Block 20: **Select the appropriate check box.**
 - 37. Block 21: **Read the text and then check the box for “I Agree”.**
 - You must fill in the Authorized Representative information in the boxes below the “I Agree” check box. This will be the person normally authorized to sign your Grant applications.**
 - 38. **Click on Close Form.**
 - 39. If you need to edit the file again, simply click OPEN FORM button below this box.
 - 40. You will print this form later in the process.
 - 41. **Click the SAVE button at the top of the page to save the application package. Keep the same file location and file name. When asked if you want to overwrite the existing file, click Yes.**
-

E. Fill out the required form SF-424B

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- 1. At any time during this process if you need to discontinue entering information, click **the Close Form** button on the top of the form, then click the **SAVE** button on the top of the Grant Application Package page to save your work.
 - 2. From the “**Mandatory**” Forms listing under “**Select Forms to Complete**” section of the Grant Application Package, **Click on “Assurances for Non-Construction Programs (SF-424B)”**, then click “**=>**” button in the middle.
 - Highlight the form again, and click the “Open Form” button right below that listing.**
 - 3. Read the first page of information.
 - 4. Click the Next button on the top of the page.
 - 5. Read the second page of information.
 - 6. **Verify the “Application Organization” and “Title” information** in the boxes at the bottom of the second page. This information was transferred from the SF-424 Block 21, Authorized Representative.
 - 7. Click on **Close Form**.
 - 8. If you need to edit the file again, simply click OPEN FORM button below this box.
 - 9. You will print this form later in the process.
 - 10. Click the **SAVE** button at the top of the page to save the application package. Keep the same file location and file name. When asked if you want to overwrite the existing file, click Yes.
-

F. Fill out the required form ED-80-0013

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1. At any time during this process if you need to discontinue entering information, click **the Close Form** button on the top of the form, then click the **SAVE** button on the top of the Grant Application Package page to save your work.
 2. From the “**Mandatory**” Forms listing under “**Select Forms to Complete**” section of the Grant Application Package, **Click on “ED 80-0013 Certification Form”, then click “=>” button in the middle.**
 Highlight the form again, and click the “Open Form” button right below that listing.
 3. Read the first page of information.
 4. Click the Next button on the top of the page
 5. Read the second page of information
 6. **Fill in the “Place of Performance” address information.** If applicable, check the Check box below the address information to indicate there are other workplaces on file not identified on this form.
 7. **Verify the name and title of the person authorized to apply** for this grant, and/or who will be signing the paper copy of this assurance document.
 8. Click on **Close Form**.
 9. If you need to edit the file again, simply click OPEN FORM button below this box.
 10. You will print this form later in the process.
 11. Click the **SAVE** button at the top of the page to save the application package. Keep the same file location and file name. When asked if you want to overwrite the existing file, click Yes.
-

G. Provide Narratives, Statements, etc.

-
1. **Refer to the FY15 HMEP Grants Application Kit to find the information you are required to provide in your grant application.**
 2. **Save the document(s) to your computer, using a familiar filename and location so you can retrieve it easily.**
 3. **Once the narratives and statements are complete, they need to be attached to the electronic package. DO NOT attach the narrative or statement files to the electronic package until all edits have been made and the documents are considered “final” for submission.**
 4. **Open the application package** you had saved in the previous step from the location you saved it on your computer. **Locate this file and double-click to open.**
-

-
5. **Highlight the form “Attachments” under the Optional Documents box, then click “=>” button in the middle.**
 Highlight the form again, and click the “Open Form” button right below that listing.
 6. **Under 1) Please attach Attachment 1, click the Add Attachment button.**
 7. The “Attach: Choose the File” window will open.
 8. **Locate the narrative and/or statement file and then click the Open button.**
 9. **Continue attaching documents using the process in steps, 6, 7, 8 for each attachment.**
 10. **To View the attached document, click the View Attachment button.**
 11. **To Delete attachments, click the Delete Attachment button.**
You will be asked if you are sure you want to delete the attachment.
 12. **When you are done adding attachments, click the Close Form button, and you will return to the application package.**
 13. If you need to edit the form again, simply click OPEN FORM button below this box.
 14. Click the **SAVE** button at the top of the page to save the application package. Keep the same file location and file name as in step B.5 and B.6. When asked if you want to overwrite the existing file, click Yes
-

H. Complete the Standard Title VI/Non-Discrimination Assurances Forms

- Open the document titled “Standard Title VI Non-Discrimination Assurances Forms.doc”**
- Fill in the required information on these additional certifications** – organization name, dates, etc. Applicants are only required to sign the basic assurance document on page 3. On page 2, under Specific Assurances, item 3 discusses the appendices A-E and asks the recipient (you) to insert the appropriate clauses in the appendices into every contract or agreement you enact using the funds from the grant. Items B, C and D apply if we PHMSA give you land or money to build a facility – then these must be part of any contracts or agreements passing the land or money on to other entities.
- Save this document to your computer.**
- Print this document.** Get the appropriate signatures on these certifications and submit them with the completed Grant Application Package.

I. Preview your Application Package

- Once all your work is complete on the required forms and documents, you are ready to preview your application package.
- Review the Grants.gov forms with the additional documents and additional certifications. If you need to make any edits, use the steps above to do so.
- Once you are satisfied that all the information is correct, **Re-Print** any documents that were changed to ensure you have the final copy. We'll print the Application Package with the forms in the next step.
- If you would like to have us review your electronic application package before submission, we will be happy to do so! Please call 202-366-1109, or send an email to HMEP.Grants@dot.gov with the Grant Package attached. The file name will be “[Your Organization Name] HMEP Grant Application.pdf”.

J. Assemble your Application Package

- Have the proper authority sign the following documents:**
 - ED 80-0013 Certifications
 - Programmatic Certifications Form
- Assemble the document in the following order:**
 - Cover Letter from Agency Director
 - SF-424
 - SF-424A
 - SF-424B
 - ED 80-0013 Certification Form
 - Standard Title VI/Non-Discrimination Assurances Form
 - Programmatic Certifications Forms
 - Project Narrative
 - Budget Narrative (*This can either be within the Project Narrative Attachment or separate*)
 - Indirect Cost Agreement – If Applicable
 - Additional Optional Attachments

K. Print Electronic Submission Package

-
1. **From the Main page of the Grant Application package, click the Print button on top of the page.**
 2. The Print window will be displayed.
-

Select the printer, then click ok.

3. **Review the document package for completeness.**
 4. If you need to make any edits, follow the steps above to open the appropriate form and make the changes. Remember to print the package again if any changes were made, so you have a final copy.
 5. Save the printed package.
-

L. Submit your Application Package electronically

(If you do not have a login to Grants.gov, your EPOC for your DUNS will need to be contacted to identify who will do the electronic submission of your grant package).

- Once you have reviewed the Grant Application package and are ready to submit, open the Grant Application Package.
- Click the **Save & Submit button** at the top of the page.
- You will be prompted to save the file again, use the same filename and location, choose **Yes** when asked if you want to overwrite the existing file.
- You will then be asked to login to Grants.gov.** Use the username and password you registered at Grants.gov.
- The **Application Submission and Verification and Submission page** will be displayed.
- Review the information, read the agreement and then Click **“Sign and Submit Application”**.
- The application package will be uploaded to Grants.gov and a confirmation page will be displayed. ***It is very important that you print this page***, it will contain the submission date and time and a confirmation number that verifies you have submitted the application. We will be monitoring the submissions, but please feel free to call or email us once you have submitted the application package and we can check on the status. **Click File, then select Print. Select the appropriate printer, then click OK. Ensure this page has printed correctly before you close the window.**

Agency Contact Information

Contact: Lisa O'Donnell
Phone: (202) 366-6415
Email: HMEP.Grants@dot.gov
Or
Angel Henriquez
Phone: (202) 366-1109

DOT/PHMSA PHH- 50
Room E21-207

1200 New Jersey Avenue, SE
Washington, DC 20590

Office hours are 8:30am to 5:00pm Monday through Friday, except Holidays.

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The (***Title of Recipient***) (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the ***Pipeline and Hazardous Materials Safety Administration***, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*“No person in the United States shall, on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from DOT, including the **Pipeline and Hazardous Materials Safety Administration**.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above General Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted (**Name of Appropriate Program**):

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all (**Name of Appropriate Program**) and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The (**Title of Recipient**), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that with respect to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, *[Name of the recipient]* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the ***Pipeline and Hazardous Materials Safety Administration*** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the ***Pipeline and Hazardous Materials Safety Administration***. You must keep records, reports, and submit the material for review upon request to ***Pipeline and Hazardous Materials Safety Administration***, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

[Name of Recipient] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *(Name of Appropriate Program)*. This ASSURANCE is binding on *[insert State]*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *(Name of Appropriate Program)*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

_____ *(Name of Recipient)*

by _____ *(Signature of Authorized Official)*

DATED _____

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, *Pipeline and Hazardous Materials Safety Administration*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21. *[Include Modal Operating Administration specific program requirements.]*
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin. *[Include Modal Operating Administration specific program requirements.]*
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the *Pipeline and Hazardous Materials Safety Administration* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the *Pipeline and Hazardous Materials Safety Administration*, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Pipeline and Hazardous Materials Safety Administration* may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the *Pipeline and Hazardous Materials Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into

any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **(Title of Recipient)** will accept title to the lands and maintain the project constructed thereon in accordance with **(Name of Appropriate Legislative Authority)**, the Regulations for the Administration of **(Name of Appropriate Program)**, and the policies and procedures prescribed by the **Pipeline and Hazardous Materials Safety Administration** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **(Title of Recipient)** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto **(Title of Recipient)** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **(Title of Recipient)**, its successors and assigns.

The **(Title of Recipient)**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the **(Title of Recipient)** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (**Title of Recipient**) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (**Title of Recipient**) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (**Title of Recipient**) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (**Title of Recipient**) and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by (***Title of Recipient***) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, (***Title of Recipient***) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, (***Title of Recipient***) will there upon revert to and vest in and become the absolute property of (***Title of Recipient***) and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

Programmatic Certification
ACTIONS REQUIRED OF RECIPIENTS OF HMEP PLANNING GRANTS

The Federal Hazardous Material Transportation Law specifies that the Secretary of Transportation cannot allow the award of planning grants unless the State or Territory receiving such grant has certified that it will commit to maintaining or increasing the non-Federal expenditures for such activities, agrees to make available grant funds to Local Emergency Planning Committees (LEPCs), and certifies compliance with Sections 301 and 303 of the Emergency Preparedness and Community Right-to-Know Act (EPCRA). To clarify and expedite the assurances, the following has been presented for applicants' consideration. For an applicant to be deemed an "eligible applicant," the following assurances(s) must be signed by the duly authorized representative of the applicant's governing body.

1. I certify that the aggregate expenditure of funds of the State or Territory, exclusive of Federal funds, for developing, improving, and implementing emergency plans under EPCRA will be maintained at a level that does not fall below the average level of such expenditures for the 5 fiscal years prior to the grant project.

2. I certify that the State or Territory is complying with Sections 301 and 303 of EPCRA.

3. I agree that the State or Territory will make available not less than 75 percent of the funds granted to the State or Territory to LEPCs established pursuant to Section 301 (c) of EPCRA by the State Emergency Response Commission.

Typed Name of Authorized Representative

Title

Telephone #

Signature of Authorized Representative

Date

Programmatic Certification
ACTIONS REQUIRED OF RECIPIENTS OF HMEP TRAINING GRANTS

The Federal Hazardous Material Transportation Law specifies that the Secretary of Transportation cannot allow the award of training grants unless the State or Territory receiving such grants has certified that it will commit to maintaining or increasing the non-Federal expenditures for such activities, agrees to make available grant funds to Local Emergency Planning Committees (LEPCs), and certifies compliance with Sections 301 and 303 of the Emergency Preparedness and Community Right-to-Know Act (EPCRA). To clarify and expedite the assurances, the following assurance(s) must be signed by the duly authorized representative of the applicant's governing body.

1. I certify that the aggregate expenditure of funds of the State or Territory, exclusive of Federal funds, for training public sector employees to respond to accidents and incidents involving hazardous materials under EPCRA will be maintained at a level that does not fall below the average level of such expenditures for the 2 fiscal years prior to the grant project.
2. I certify that the State or Territory is complying with Sections 301 and 303 of EPCRA.
3. I agree that the State or Territory will make available not less than 75 percent of the funds granted to the State or Territory for the purpose of training public sector employees employed or used by the political subdivisions.

Typed Name of Authorized Representative

Title

Telephone #

Signature of Authorized Representative

Date