

Pipeline and Hazardous Materials Safety Administration (PHMSA)

This document provides the instructions issued by the granting agency for the Technical Assistance Grants – Demonstration Grants.

Documents include:

ATTACHMENT 1 – Solicitation

ATTACHMENT 2 – Application Instructions

ATTACHMENT 3 – Agreement Terms and Conditions

Questions can be directed to the PHMSA Office of Contracts and Procurement at Glen.Vierk@dot.gov.



**U.S. Department
of Transportation**

Pipeline and Hazardous
Materials Safety
Administration
(PHMSA)

**DTPH56-09-SN-0002
ATTACHMENT 1**

Program Solicitation

Technical Assistance Grants (TAG) to Communities – Demonstration Grants

Calendar Year 2009

Closing Date: February 27, 2009

Closing Time: 12:00 Noon Applicant's Local Time

Catalog of Federal Domestic Assistance Number (CFDA)
Not Applicable

PHMSA Funding Opportunity Number
DTPH56-09-SN-0002

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Article I. Program Summary

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

Federal Agency Contact: PHMSA
Office of Contracts and Procurement
1200 New Jersey Avenue, SE, E22-229
Washington, D.C. 20590
Attn: Glen Vierk

Funding Opportunity Title: “Technical Assistance Grants to Communities” –
Demonstration Grants

Announcement Type: Initial announcement.

Funding Opportunity Number: DTPH56-09-SN-0002

CFDA Number: Not Applicable

Eligible Applicants: Any community participating in the Pipelines and
Informed Planning Alliance (PIPA) community
information project pursuant to Pipeline Inspection,
Protection, Enforcement, and Safety Act of 2006,
Section 5, codified at 49 U.S.C. §60130.

Dates: Solicitation Issue Date is January 14, 2009.
Application Due Date is February 27, 2009, 12:00 noon
applicant’s local time.

Questions on how to apply: Grants.gov Contact Center
(800) 518-4726
support@grants.gov

Grant Related Questions: Glen Vierk
(202) 366-5102
glen.vierk@dot.gov

Grants.gov Questions: Grants.gov Contact Center
(800) 518-4726
support@grants.gov

Article II. Funding Opportunity Description

Section 2.01 Statement of Purpose

The Pipeline and Hazardous Materials Safety Administration (PHMSA), through the U.S. Department of Transportation (DOT), hereby requests applications from eligible communities participating in the Pipelines and Informed Planning Alliance (PIPA) initiative. These demonstration grants are intended to provide grants to local governments and community groups for engineering and other technical assistance related to pipeline safety matters.

Section 2.02 Program Authority

Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, Section 5, codified at 49 U.S.C. §60130, Technical Assistance Grants (TAG) Program – Demonstration Grants.

Section 2.03 Background

The intention of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), is to provide three grants to communities participating in the Pipelines and Informed Planning Alliance (PIPA) initiative. The three pilot communities will be demonstration grants for the purpose of demonstrating and evaluating the utility of the grants as required in 49 U.S.C. 60130 and section 5 of the Pipeline Inspection, Protection, Enforcement, and Safety (PIPES) Act of 2006. The law requires the first three Technical Assistance Grants (TAG) be demonstration grants, each not to exceed \$25,000.

These demonstration grants will be funded out of general funds and will target a specific community information project, the Pipelines and Informed Planning Alliance (PIPA), as referenced above. The PIPA project has brought together a wide range of pipeline safety and local planning interests for the purpose of developing risk-informed best practices for land use and community planning. The PIPA project groups have created draft best practices during the past year and are scheduled to report their conclusions in early 2009. More information on PIPA can be found on PHMSA's website at <http://primis.phmsa.dot.gov/comm/PIPA.htm?nocache=458>.

Article III. Award Information

Section 3.01 Funding

Contingent upon receipt of the FY 2009 budget appropriation and the availability of FY 2009 funds, PHMSA anticipates that three demonstration grants of \$25,000 per grant will be available for support of this program. PHMSA anticipates this funding will be made available for awards based on a maximum of \$25,000 per award.

Section 3.02 Cost Sharing

There are no cost-sharing requirements.

Section 3.03 Period of Performance

PHMSA anticipates the period of performance to be six (6) months from the "date of award" for each grant. PHMSA anticipates approximately April 2009 for date of award.

Section 3.04 Type of Award

PHMSA intends to award three (3) Technical Assistance Grants – demonstration grants as a result of this solicitation.

Article IV. Eligibility Information

Section 4.01 Eligible Applicants

Communities involved in the community information project, Pipelines and Informed Planning Alliance (PIPA), are eligible to apply for one of the Technical Assistance Grants – Demonstration Grants. Individual communities may only apply for one grant.

Article V. Registration and Application Submission Information

Section 5.01 Registration and Getting Started

To begin the process, applicants must be registered at www.grants.gov in order to submit an application online as required. Failure to comply with the prescribed application requirements as described in this section will result in an application not being reviewed.

Accessing Grants.gov:

For new users, go to http://www.grants.gov/applicants/get_registered.jsp, or go to the main page at <http://www.grants.gov/> and click on “Get Registered.” **Please note that new user registrations for grants.gov can take up to two weeks to complete.** For additional questions on how to register, contact grants.gov support. Carrie Brown (see Article VIII below for contact information) may also be able to help answer questions on applying for grants.gov usernames/passwords as they specifically relate to the Technical Assistance Pilot Demonstration Grants.

Additional instructions on completing the application wizard and submitting your application are provided later in this solicitation after proposal content.

Submission Dates and Times

Complete applications must be received electronically through Grants.gov by 12:00 noon applicant’s local time on February 27, 2009. Applicants will receive an automated receipt of the date and time of submission when the application is submitted.

Section 5.02 Proposal Content

Each proposal must consist of the following:

- (1) A description of the potential project or topic related to a PIPA best practice. Examples of possible topics:
 - i) Performing an annual review with pipeline operators having facilities within the community;
 - ii) Mapping pipelines, abandoned pipelines, and Consultation Zones in a geographic information system (GIS);
 - iii) Drafting a model ordinance and reviewing one or more of the proposed PIPA best practices for legal issues associated with incorporating the best practices into law;
 - iv) Developing educational material for local governments to distribute to developers, landowners, and operators about Consultation Zones; or
 - v) Performing Consultation Zone discussions for several developments now being planned that are in close proximity to a transmission pipeline.

For more information, refer to “Article VI. Application Review Information” below.

- (2) Additional information including the following:
 - (i) Complete applicant information (i.e. legal name, Employer/Taxpayer Identification Number (EIN/TIN), DUNS number, address, etc.);
 - (ii) A budget that includes details on the cost of personnel, contractors, fringe benefits, indirect costs, travel, equipment, supplies, and other costs to be funded through the grant period of performance; and
 - (iii) Certification regarding lobbying activities.

Applicants will be prompted to enter the information in grants.gov.

Article VI. Application Review information

Section 6.01 Evaluation Criteria

PHMSA will evaluate applications based on all three (3) criteria listed below. Note that the criteria are weighted equally.

- (1) The extent to which the proposed project scope demonstrates an understanding of the specific PIPA best practice concern the Applicant wishes to address;
- (2) The extent to which the Applicant's project plan establishes clear goals, objectives, milestones, and estimates of project costs; and
- (3) The extent to which the Applicant has a plan for evaluating and disseminating results.

Section 6.02 Review and Selection Process

PHMSA will conduct an initial administrative review of each completed application to determine if it is complete and meets the eligibility requirements. A team composed of representatives from PHMSA and the PIPA Steering Committee will review and evaluate each completed application that meets the eligibility requirements. PHMSA will award no more than three grants based on the recommendations of the review team.

Article VII. Award Administration Information

Section 7.01 General

Within the limit of funds available for such purpose, the awarding official of PHMSA must make grants to those responsible, eligible applicants whose applications are judged most meritorious under the procedures set forth in this solicitation. All funds granted by PHMSA under this solicitation must be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations.

Section 7.02 Award Notice

The award document will provide pertinent instructions and information including, at a minimum, the following:

- (1) The Legal name and address of performing organization or institution;
- (2) Title of project;
- (3) Name(s) of key personnel chosen to direct and control approved activities;
- (4) Identifying award number assigned by the Department;

- (5) Project period, specifying the amount of time the Department intends to support the project;
- (6) Total amount of Departmental financial assistance approved for the project period;
- (7) Legal authority(ies) under which the award is issued;
- (8) Appropriate Catalog of Federal Domestic Assistance (CFDA) number;
- (9) Applicable award terms and conditions (see attachment named “Award Terms and Conditions”);
- (10) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the award; and
- (11) Other information or provisions deemed necessary by PHMSA to carry out its respective awarding activities or to accomplish the purpose of a particular award.

Section 7.03 Administrative and National Policy Requirements

Several Federal statutes and regulations apply to grant applications considered for review and grants awarded under this program. These include, but are not limited to:

- (1) 49 CFR 18, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments” (OMB Circular A-102).
- (2) 2 CFR 225, “Cost Principles for State, Local, and Indian Tribal Governments” (OMB Circular A-87).
- (3) OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations”
- (4) 49 CFR 20, “New Restrictions on Lobbying.”
- (5) 49 CFR 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964.”
- (6) 49 CFR 29, “Governmentwide Debarment and Suspension (Non-Procurement).”
- (7) 49 CFR 32, “Governmentwide Requirements for Drug Free Workplace (Financial Assistance).

Section 7.04 Expected Program Outputs and Reporting Requirements

Each demonstration grant recipient will be required to provide a report to PHMSA demonstrating completion of the work as outlined in the grant agreement. Further, each recipient of a grant under Section 5 must ensure that:

1. The technical findings made possible by the grants are made available to the relevant operators; and
2. Open communication is maintained between the grant recipients, local operators, local communities and other interested parties.

Article VIII. Agency Contact Information

How to Apply Questions

Grants.gov Contact Center
(800) 518-4726
support@grants.gov

Grant Related Questions

Primary Point of Contact:
Glen Vierk, Agreement Administrator
Office of Contracts and Procurement
Pipeline & Hazardous Materials Safety Administration
United States Department of Transportation
1200 New Jersey Avenue, SE, E22-229
Washington, D.C. 20590
Phone: (202) 366-5102
E-Mail: glen.vierk@dot.gov

Secondary Point of Contact:
Warren Osterberg, Agreement Officer
Office of Contracts and Procurement
Pipeline & Hazardous Materials Safety Administration
United States Department of Transportation
1200 New Jersey Avenue, SE, E22-103
Washington, D.C. 20590
Phone: (202) 366-6942
E-Mail: warren.osterberg@dot.gov

Grants.gov Questions

Grants.gov Contact Center
Phone: (800) 518-4726
E-Mail: support@grants.gov

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

**Funding Opportunity Number# DTPH56-09-SN-0002
“Technical Assistance Grants to Communities” – Demonstration Grants”
Application Instructions**

ELIGIBILITY:

Any community participating in the Pipelines and Informed Planning Alliance (PIPA) community information project pursuant to Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, Section 5, codified at 49 U.S.C. §60130.

GRANT PROPOSAL REQUIREMENTS:

Grants.gov Required Application Forms:

1. Application for Federal Assistance (SF 424)

- Detailed guidance on filling out the SF 424 is provided on page 3 of this document.

2. Budget Information for Non-Construction Programs (SF-424A)

- The Applicant must provide a cost estimate that includes details on the personnel, fringe benefits, indirect costs, travel, equipment, supplies, consultants/contracts, and other costs.

3. Budget Narrative Attachment Form

- The Applicant will upload any supporting documentation for the budget estimate.

4. Grants.gov Lobbying Form

- Read the “Certification Regarding Lobbying” statement and complete the information for the Authorized Representative.

5. Attachments

Applicant must include the following attachment as part of the application package:

- **Proposal Content** – The Proposal should describe how the Program Areas identified in the Solicitation (Attachment 1) will be addressed. The Plan must include the proposal content requirements of Section 5.02 of the Solicitation.

Grants.gov Optional Application Documents:

1. Disclosure of Lobbying Activities (SF-LLL)

- If SF-LLL is required (per the Certification Regarding Lobbying), fill out the form in its entirety.

SUBMISSION OF APPLICATION:

After completion of forms, move all forms to the submission list using the “Move Form to Submission List” button. Applicant will then be required to “Save” the application before being allowed to use the “Submit” function.

NOTE: “Application Filing Name” is a required field and should be filled in with Applicant’s name.

Completed applications must be submitted on or before the announcement close date of Friday, February 27, 2009.

TERMS AND CONDITIONS OF AWARD:

Prior to award, the Recipient must comply with the certification requirements of 49 CFR Part 20, Department of Transportation New Restrictions on Lobbying, and 49 CFR Part 29, Department of Transportation Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants).

If award is made, the Recipient will be subject to the General Terms and Conditions (Attachment 3). The Recipient will also be subject to any additional terms and conditions of the resulting Grant document.

SF 424 Instructions:

Block 1: Check “Application”

Block 2: Check “New”

Blocks 3, 4, 5, 6, and 7: Leave Blank

Blocks 8: Complete sections a–f

Block 9: Select appropriate “Applicant Type” from drop-down menu.

Block 10: If not already pre-filled, type “DOT/PHMSA”

Block 11: Leave Blank

Block 12: If not already pre-filled, type “DTPH56-09-SN-0002” for the Funding Opportunity Number and “Technical Assistance Grants to Communities” – Demonstration Grants” for the Title.

Block 13: Leave Blank

Block 14: Enter “US-all.”

Block 15: Enter a brief descriptive title of the proposed project.

Block 16a: Enter appropriate district.

Block 16b: Enter “US-all.”

Block 17a: Enter proposed project start date.

Block 17b: Proposed project end date should be 6 months from start date.

Block 18: Enter estimated funding for the period of performance of the project only. All boxes must be completed. Enter “0” if not applicable.

Block 19: Check “c. Program is not covered by E.O. 12372.”

Block 20: Check appropriate box.

Block 21: Read the certification statement. You must check the “I agree” box if you wish to continue with the application process. Complete the information for the Authorized Representative. Fields marked with an “*” are required except for the last two fields which will be completed by Grants.gov upon submission.

**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) **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)** – 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) **Principal Investigator (PI)** – The PI is the individual designated by the Recipient and approved by PHMSA who is responsible for the technical direction of the project. The PI 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.

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.

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

Allowable costs will be determined in accordance with the applicable Federal cost principles and terms and conditions of the award.

State and Local Governments are 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 shall 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 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 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 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 49 CFR 29, “Governmentwide Debarment and Suspension (Non-Procurement).”

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.

49 CFR 29 is incorporated by reference into this award.

49 CFR 29 is available at: <http://www.dot.gov/ost/m60/grant/regs.htm>.

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 will be made in advance, provided the Recipient maintains or demonstrates the willingness to maintain the following in accordance with 49 CFR 18: (1) written procedures that minimize the time elapsing between the transfer of funds and disbursement by the Recipient, and (2) financial management systems that meet the standards for fund control and accountability. If these items are not met, payment will be made by reimbursement.

Reimbursement/Advance payments will be made after the receipt of "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 and one copy to the Payment Office listed below:

U.S. Department of Transportation
Federal Aviation Administration, MMAC
Financial Operations, AMZ-150
P.O. Box 269039
Oklahoma City, OK 73126-9039
Attn: Ms. Margaret Gorman
(405) 954-7468

A first payment for 50% of the award amount will be made shortly after the effective date of award, subsequent to receipt of the completed SF-270. A second payment for the remaining 50% will be made upon receipt of the Progress Report, the Mid-term Financial Status Report, and a completed SF-270.

- 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) Mid-term Financial Status Report: During the performance of the grant, the Recipient will submit a Financial Status Report (Standard Form 269) to report the status of funds to the AA. The AA will provide specific reporting requirements after award.
- b) Financial Status Report: At the end of the grant, the Recipient will submit a Final Financial Status Report (Standard Form 269) to report the status of all funds to the AA.

16. Performance Monitoring

- a) Progress Report: During the performance of the grant, the Recipient will provide letter-type written reports to the AOTR and the AA. The report must include a description of how the funds were used to improve the program. The AOTR will provide specific reporting requirements after award.
- 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. The AOTR will provide specific reporting requirements after award.

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) The following expenditures require the AO's advance written approval:
 - 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.
- b) The Recipient must submit a revised financial estimate and plan for i) and ii) above.
- c) 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) It is the Department of Transportation (DOT) policy 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 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. Rights in Technical Data

Rights to intangible property under this agreement are governed in accordance with 49 CFR 18, Sec. 18.34, "Copyrights."

22. Notice of News Releases, Public Announcements, and Presentations

The Recipient must provide two (2) copies of all press releases, formal announcements, or other planned written issuance containing news or information concerning this Grant Agreement. The Recipient must provide such documents to the AO and AOTR for approval prior to release. Also, any planned presentations/briefings related to this Grant Agreement, as well as the actual presentation (e.g. slides/vu-graphs) to be used, must be approved in advance by the AO.

23. Violation of Award Terms

If the Recipient has materially failed to comply with any term of the award, the Agreement Officer may suspend, terminate, or take other remedies as may be legally available and appropriate in the circumstances.

24. 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>